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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218260
Party	Defendant Jack and Jill Foundation Limited
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Maurice D. Landers,
Opposer,

v.

Jack and Jill Foundation Limited,
Applicant.

Opposition No. 91218260

Mark: THE SHAMROCK FUND

Application Ser. No. 79107704

**APPLICANT'S MOTION FOR SUMMARY JUDGMENT
AND MEMORANDUM OF LAW**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Trademark Rule 2.127 (37 CFR § 2.127), Jack and Jill Foundation Limited ("Applicant" or "J&J") by its counsel hereby submits this motion for summary judgment and respectfully requests that the Trademark Trial and Appeal Board dismiss Maurice D. Landers' ("Opposer" or "Landers") opposition.

INTRODUCTION

This is a dispute over priority to the THE SHAMROCK FUND trademark for charitable services and charitable fundraising services. The undisputed facts clearly demonstrate that Applicant has priority based on a constructive date of first use, and Opposer has never used his alleged SHAMROCK FUND mark in commerce or established a proprietary interest in the mark prior to Applicant's priority date. Opposer failed to produce any evidence supporting prior use of a SHAMROCK FUND mark in connection with the rendering of services – indicating that he cannot carry his burden of proving priority of use. Thus, Applicant is entitled to summary judgment on the issues of

priority of use and likelihood of confusion and the opposition should be dismissed in its entirety¹.

UNDISPUTED MATERIAL FACTS

Applicant is an Irish company, registered as a charity, offering charitable services, namely a children's foundation providing nursing care and support for children with severe neurological development issues, among other charitable services. *See Ledesma Decl.* ¶ 3 & Ex. B (Applicant's response to Interrogatories 1-3).

Applicant developed the idea to use the mark THE SHAMROCK FUND for a fundraising appeal to promote Applicant's charitable services in the U.S. after Applicant's director, Mr. Jonathan Irwin, saw a photograph of a 1917 poster bearing the slogan "*The Shamrock Fund*," which appeared in the Irish Times newspaper on August 6, 2011. *See Id.* Ex. B (Applicant's Response to Interrogatory No. 4).

On or about August 25, 2011, Applicant's director Irwin instructed a designer to adapt the poster for Applicant's use of a SHAMROCK FUND mark. *See Id.*

On October 14, 2011, Applicant filed a European Community Trademark (CTM) application with the Office of Harmonization in the Internal Market (OHIM) for the mark THE SHAMROCK FUND for "Charitable fund raising services; philanthropic and charitable monetary services relating to making grants in the field of health care; organisation of fundraising activities and events for health care" in International Class 36.

¹ To the extent Opposer's Notice of Opposition alleges fraud, Opposer's response to Applicant's Interrogatory No. 28 indicates that any fraud claim is tied to the priority claim. Moreover, any fraud claim is deficient as it fails to meet TTAB pleading requirements and purports to be based on an October 17, 2011 email correspondence that post-dates Applicant's October 14, 2011 priority date. *See Declaration of Roberto Ledesma in Support of Applicant's Motion for Summary Judgment (hereinafter "Ledesma Decl.")* ¶ 2 & Ex. A.

Applicant's THE SHAMROCK FUND CTM application matured to registration on March 16, 2012 (CTM Reg. No. 010342889). *See Id.* ¶ 4 & Ex. C.

On October 26, 2011, Applicant filed an application for International Registration under the Madrid Agreement and Madrid Protocol with the World Intellectual Property Office (WIPO) using its CTM application as the basic application, claiming priority from the CTM's filing date of October 14, 2011, and requested an extension of protection to the United States. *See Id.*

The U.S. Patent and Trademark Office (USPTO) processed and granted Applicant's request for extension of protection under the Madrid Protocol for the mark THE SHAMROCK FUND and assigned to it Application Serial No. 79107704.

Application Serial No. 79107704 for the mark THE SHAMROCK FUND covers the following services:

“Charitable fundraising services; philanthropic services relating to the making of monetary grants in the field of health care; charitable monetary services, namely, accepting and administering monetary charitable grant contributions in the field of health care; charitable fundraising services by means of organization of special fundraising activities and events for health care,” in Class 36.

(the “J&J's THE SHAMROCK FUND Application”). *See Id.* The priority date claimed in J&J's THE SHAMROCK FUND Application is October 14, 2011 (the filing date for Applicant's CTM application). *See Id.*

J&J's THE SHAMROCK FUND Application was approved by the USPTO and published for opposition on May 6, 2014. On September 3, 2014, Landers instituted this proceeding before the Board, asserting that he would be damaged by registration of Applicant's THE SHAMROCK FUND trademark. As grounds for opposition, Landers alleges prior use in U.S. commerce and a likelihood of confusion with Landers'

SHAMROCK FUND mark (the “Landers’ SHAMROCK FUND Mark”) in connection with charitable services and charitable fundraising services (Opposer improperly alleged fraud— see Footnote 1).

On September 15, 2014, nearly two weeks after instituting the instant proceeding and nearly three years after Applicant filed its THE SHAMROCK FUND trademark application, Opposer filed a trademark application for SHAMROCK FUND at the USPTO, Application No. 86395547, for the following services:

“Charitable services, namely, coordination of non-monetary contributions to charities and non-profits,” in Class 35

“Charitable fundraising services, by means of providing individuals with the information and opportunity to make monetary donations to their favorite charity,” in Class 36

(the “Landers SHAMROCK FUND Application). The Landers SHAMROCK FUND Application was filed based on use in U.S. commerce with an alleged date of first use of August 22, 2011. *See Id.* ¶ 5 & Ex. D.

In responses to discovery requests, Opposer claims to have first used his SHAMROCK FUND mark in commerce as a trademark on September 1, 2011. *See Id.* ¶ 2 & Ex. A (Opposer’s Responses to Interrogatories 3, 4, 11, 14) & ¶ 6 & Ex. E (Opposer’s Response to Supplemental Interrogatory Request No. 1 in Applicant’s December 8, 2015 Deficiency Letter). Opposer’s alleged use on September 1, 2011 is based on an email dated September 1, 2011 sent by a third party (“Failte 32”) for a fund designed “to support longer-term J-1 visa holders who may be finding it difficult finding employment in the U.S.” *See Id.* ¶ 7 & Ex. F.

Opposer's claim superior rights based on email correspondence from Failte 32, a third party (non-party), announcing the launch of a planned fund (named "Shamrock Fund" for J-1 visa holders) that never actually launched. *See Id.* ¶ 2 & Ex. A.

Despite Applicant's discovery requests asking for documents evidencing Landers' alleged prior use of a SHAMROCK FUND mark in U.S. commerce, Landers has not produced any evidence substantiating Landers' superior proprietary interest to a SHAMROCK FUND mark or the rendering of any services in U.S. commerce under a SHAMROCK FUND mark.

ARGUMENT

Summary judgment is regarded as "a salutary method of disposition," and the Board does not hesitate to dispose of cases on summary judgment. TTAB Manual of Procedure ("TBMP") § 528.01. Federal Rule of Civil Procedure 56(c) provides that summary judgment should be granted if the evidence shows "that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law." Once the moving party has shown that no genuine issue of fact exists, the burden shifts to the non-moving party to demonstrate the existence of a factual issue. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (finding that non-moving party had failed to show any genuine issue for trial).

"The nonmoving party may not rest on the mere allegations of its pleadings and assertions of counsel, but must designate specific portions of the record or produce additional evidence showing the existence of a genuine issue of material fact for trial." *See Diaz v. Servicios De Franquicia Pardo's S.A.C.*, 83 U.S.P.Q.2d 1320, 1328 (T.T.A.B

2007); Fed. R. Civ. P. 56(e). The non-moving party “must do more than simply show that there is some metaphysical doubt as to the material facts.” *Matsushita*, 475 U.S. at 586. “[W]here the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party, there is no ‘genuine issue for trial,’” and the moving party must prevail as a matter of law. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 261 n.2 (1986).

Summary judgment may be entered against any party “who fails to make a showing sufficient to establish the existence of an element essential to that party’s case as to which that party will bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 321 (1986). Here, Opposer Landers has filed an opposition based on likelihood of confusion and priority is a required element of Opposer’s claim. See 15 U.S.C. §1052(d); *Media Online Inc. v. El Clasificado Inc.*, 88 U.S.P.Q.2d 1285, 1287 (T.T.A.B. 2008) (“Priority is a required element of petitioner’s Section 2(d) claim.”). “[I]t is opposer’s burden to demonstrate that it owns a trademark, which was used prior to applicant’s mark.” See *Life Zone Inc. v. Middleman Group Inc.*, 87 U.S.P.Q.2d 1953, 1959 (T.T.A.B. 2008); TBMP § 309.03(c)(A) (“A plaintiff must plead (and later prove) priority of use.”).

As set forth herein, the undisputed facts demonstrate that Applicant J&J is entitled to summary judgment because Opposer does not have senior rights to the SHAMROCK FUND mark. See *Diaz*, 83 U.S.P.Q.2d at 1331 (granting summary judgment to applicant as to priority and dismissing opposer’s opposition under Section 2(d) with prejudice); *Aktieselskabet af 21. November 2001 v. Fame Jeans Inc.*, 77 U.S.P.Q.2d 1861, 1864 (T.T.A.B. 2006) (same); *Leatherwood Scopes Int’l Inc. v. Leatherwood*, 63 U.S.P.Q.2d

1699, 1704 (T.T.A.B. 2002) (same); *Corp. Document Servs. Inc. v. I.C.E.D. Mgmt. Inc.*, 48 U.S.P.Q.2d 1477, 1480 (T.T.A.B. 1998) (same).

A. Applicant Has Priority In And To The Mark THE SHAMROCK FUND

There is no genuine issue with respect to priority when a party in a Board proceeding holds a valid pending U.S. trademark application with a filing or priority date that is prior to any filing date or date of first use upon which the other party can rely. *See Aktieselskabet AF 21. November 2001 v. Fame Jeans, Inc.*, 77 U.S.P.Q.2D 1861, 1862, 1864 (T.T.A.B. 2006) (no genuine issue that applicant's earlier-filed trademark application has priority over opposer's later-filed application for mark not in use prior to applicant's filing date).

When a trademark application is filed as a request for extension of protection of an International Registration under Section 66(a) of the Lanham Act, the effective filing date for that application is generally the date upon which the International Registration was issued or, in the case of applications claiming priority under Section 67, the date of filing the foreign application. 15 U.S.C. §§ 1141f(b)(1), (b)(3); Trademark Manual Of Examining Procedure (TMPE) §§ 1208.019(b), 1601.01(c) (5th ed. 2007).

In the instant case, it is undisputed that Applicant J&J filed its CTM application for the mark THE SHAMROCK FUND on October 14, 2011 and subsequently obtained a CTM registration on March 16, 2012. It is also undisputed that Applicant properly requested extension of protection to the United States pursuant to Section 66(a) of the Lanham Act, and the USPTO duly accepted Applicant's request, resulting in J&J's THE SHAMROCK FUND Application.

Pursuant to Section 67 of the Lanham Act, J&J's THE SHAMROCK FUND Application claims a priority date of October 14, 2011 based on the application filing date for Applicant's CTM application. Therefore, the effective filing date and constructive date of first use of J&J's THE SHAMROCK FUND Application is October 14, 2011, which pre-dates the later-filed Landers SHAMROCK FUND Application (filed September 15, 2014) and any date Opposer can rely on, if any. As a result, Applicant has priority of rights over Opposer with respect to the mark THE SHAMROCK FUND.

It is of no consequence whether or not Applicant has used its THE SHAMROCK FUND mark in the United States, since a properly filed request for extension of protection under Section 66(a) constitutes constructive use of a mark, conferring the same rights as those specified in Section 7(c) of the Lanham Act. 15 U.S.C. § 1141f(b) ("the proper filing of the request for extension of protection under [section 66(a)] shall constitute constructive use of the mark, conferring the same rights as those specified in section 7(c) . . . ").

Based on the foregoing, it is evident that Applicant has a priority date of October 14, 2011 with respect to the mark THE SHAMROCK FUND and as shown herein Opposer Landers never rendered services under the SHAMROCK FUND mark.

B. Opposer Has Not Used His SHAMROCK FUND Mark

Opposer cannot survive summary judgment because he has not produced any evidence substantiating his claim that he has actually used a SHAMROCK FUND mark in the rendering of services. Applicant's Request for Interrogatories and Production of Documents sought information and documents sufficient to identify (1) the date of

Opposer's first use of the SHAMROCK FUND mark; and (2) Opposer's first rendering of services under the SHAMROCK FUND mark. *See Ledesma Decl.* ¶ 2 & Ex. A. In response, Opposer produced an email dated September 1, 2011 sent by Failte 32 (not Applicant Landers) announcing the launch of a fund named "Shamrock Fund" to assist J-1 visa holders and purported pre-launch emails announcing a planned fund. *See Ledesma Decl.* ¶¶ 2&7 & Ex. A&F. Applicant requested information and documents supporting Opposer's alleged rendering of services prior to Applicant's October 14, 2011 priority date as well as annual expenditures and costs associated with his alleged use of a SHAMROCK FUND mark during the relevant time periods. Opposer Landers responded as follows:

"Apart from some miscellaneous labor and social/coffee/lunch costs which were voluntarily paid by me out of pocket, the only identifiable costs (which were also voluntarily paid by me out of pocket) pertaining to this Interrogatory would have been the donations I made out of pocket which come to approx. \$155 or pending the replies I will hopefully receive from IN-NYC and IBO (Interrogatory No. 18 Deficiency below), these costs could be slightly more i.e. between \$200-\$300."

See Ledesma Decl. ¶ 6 & Ex. E (Opposer's Response to Interrogatory No. 14 in Applicant's Deficiency Letter dated December 8, 2015).

With respect to annual revenues, contributions to charities/non-profits, monetary donations and fundraising efforts, Opposer Landers responded as follows:

"Apart from a one-off unsolicited donations offered by Tara McCabe for \$50 per Document Request No. 21, document 'Shamrock Fund donation' (which you have already received), all donations were made out of my pocket."

See Ledesma Decl. ¶ 6 & Ex. E (Opposer's Response to Interrogatory Nos. 15-17 in Applicant's Deficiency Letter dated December 8, 2015).

The information and documents attached to Opposer's discovery responses relating to the above assertions and which represent Opposer's responses to Applicant's

document requests asking for all pre-October 14, 2011 use of his SHAMROCK FUND mark, likewise confirm that Landers made no use in commerce or any use sufficient to confer trademark rights prior to Applicant's constructive first use date. *See Ledesma Decl.* ¶¶ 2&6 & Ex. A&E.

Accordingly, the only evidence of pre-October 14, 2011 use of SHAMROCK FUND offered by Opposer Landers is a handful of emails (with no evidence of where the recipients are located) that reference Failte 32's plan (not Opposer Landers' plan) to launch a fund with no evidence that any services were ever subsequently rendered by Opposer under a SHAMROCK FUND mark. *See Ledesma Decl.* ¶¶ 2&6 & Ex. A&E. Under well-settled law, such limited use is insufficient to establish prior rights. *See T.A.B. Sys. v. PacTel Teletrac*, 77 F.3d 1372, 1375-1376 (Fed. Cir. 1996) (emphasizing the high burden litigants face in establishing prior use rights and noting "[a]n unbroken line of precedents of both this court and the Board make clear that activities claimed to constitute analogous use must have *substantial* impact on the purchasing public.") (emphasis added). Moreover, according to Opposer's responses to discovery requests, the "Shamrock Fund" venture was abandoned on September 6, 2013. *See Ledesma Decl.* ¶ 2 & Ex. A (Opposer's Response to Interrogatory No. 18).

The impact here is nowhere near being *substantial*. According to Opposer (as quoted above), in connection with alleged services under his SHAMROCK FUND mark he has received a one-off unsolicited \$50 donation and his own out of pocket costs, which amounts to approx. \$155 or slightly more than \$200-\$300 for his fund. Opposer has no records of expenses or donors. In fact, the evidence put forward by the defendant in *T.A.B. Systems*, which the court found was legally insufficient to establish a proprietary

interest in the trademark, was far more substantial than that put forward by Opposer

Landers here:

The remaining evidence, while relevant, does not support the necessary inference of public identification. Of the press releases PacTel issued, only one was shown to have been circulated by a national wire service. The record contains no evidence, however, to indicate how many of PacTel's potential consumers may have been reached by that wire service story. Although the record indicates that some of PacTel's press kits were distributed to potential customers, no evidence was presented enabling one to infer that a substantial share of the consuming public had been reached. Likewise with PacTel's slide show presentations to seven potential customers: we discern nothing in the record to indicate whether this group of customers constituted more than a negligible portion of the relevant market. Finally, the brochures and news articles, all produced in September and October 1989, were not shown to have been so broadly or repetitively distributed that one could reasonably infer that the consuming public came to identify TELETRAC with PacTel's services by October 1989. This record evidence, which does not permit one to infer either that PacTel reached more than a negligible share of potential customers or that the customers who were reached saw more than a few references to TELETRAC over a one or two month period, is legally insufficient to ground PacTel's analogous use claim.

Id. at 1375-1376; *see also Jim Dandy Co. v. Martha White Foods, Inc.*, 458 F.2d 1397, 1399 (CCPA 1972) (“[W]hile a party may rely on advertising and promotional use of a term or slogan to show superior rights over a subsequent trademark use of a term, the prior advertising must have been of such nature and extent that the term or slogan has become popularized in the public mind”) (emphasis added); *Old Swiss House, Inc. v. Anheuser-Busch, Inc.*, 569 F.2d 1130, 1133 (CCPA 1978) (where the evidence of analogous use consisted of 12 articles, each published only once, which appeared in various newspapers and trade journals, and a single speech at a shareholders' meeting, the court rejected the contention that the analogous use was sufficient to demonstrate prior proprietary rights in the mark at issue because it was not the type of public exposure

of a mark that would be expected to have any significant impact on the purchasing public).

Here, there is no genuine issue of material fact that the evidence submitted by Opposer Landers (i.e., a handful of email correspondence referencing a third party's planned use of a mark) is legally insufficient to establish priority. Such evidence fails as a matter of law to show that Opposer's SHAMROCK FUND mark had a substantial impact on the purchasing public or cause his SHAMROCK mark to become popularized in the public mind before Applicant's October 14, 2011 priority date. Moreover, none of the responses and documents produced indicate that Opposer has used the SHAMROCK FUND mark to render actual fundraising services or any services of any kind. Because Opposer's evidence shows no use or insignificant use of the mark for the relevant services and relevant time period Opposer cannot prove priority of use, a necessary prerequisite of its Section 2(d) claim. *See Life Zone Inc.*, 87 U.S.P.Q.2d at 1959-60 ("Unfortunately for opposer, there is very little record evidence of its common-law trademarks and no evidence of its priority of use." "[W]ithout proof of priority, opposer cannot prevail.").

In short, as the undeniable senior user to the THE SHAMROCK FUND mark for charitable services, Applicant J&J is entitled to summary judgment as a matter of law. *See Diaz*, 83 U.S.P.Q.2d at 1331; *Fame Jeans Inc.*, 77 U.S.P.Q.2d at 1864; *Leatherwood Scopes*, 63 U.S.P.Q.2d at 1704; *Corp. Document Servs. Inc.*, 48 U.S.P.Q.2d at 1480.

CONCLUSION

Because Opposer cannot carry his burden of showing there is a genuine issue of material fact as to prior use of the SHAMROCK FUND mark, a necessary element of Opposer's Section 2(d) claim, Applicant is entitled to summary judgment as a matter of law. Opposition No. 91218260 should be dismissed and J&J's App. Serial No. 79107704 should be allowed to proceed to registration

Respectfully submitted,
Roberto Ledesma

/Roberto Ledesma/
Roberto Ledesma
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718-243-9323

Date: March 3, 2016

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Opposer this 3rd day of March, 2016, by mailing a copy thereof via first-class mail, postage pre-paid, to MAURICE LANDERS, 30-80 33RD ST 3RD FLOOR, ASTORIA, NY 11102.

/Roberto Ledesma/
Roberto Ledesma

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Maurice D. Landers,
Opposer,

v.

Jack and Jill Foundation Limited,
Applicant.

Opposition No. 91218260

Mark: THE SHAMROCK FUND

Application Ser. No. 79107704

**DECLARATION OF ROBERTO LEDESMA IN SUPPORT OF
APPLICANT'S MOTION FOR SUMMARY JUDGMENT**

I, Roberto Ledesma, declare as follows:

1. I am an attorney at Lewis & Lin LLC, which represents Applicant Jack and Jill Foundation Limited ("Applicant" or "J&J") in this proceeding. I am competent to make this Declaration and the facts set forth in this Declaration are based on my personal knowledge or a review of business records.

2. Attached hereto as **Exhibit A** are true and correct copies of Opposer Maurice D. Landers' ("Opposer") responses to Applicant's Interrogatories and Request for Production.

3. Attached as **Exhibit B** are true and correct copies of Applicant's responses to Opposer's Interrogatories and Request for Production.

4. Attached as **Exhibit C** is a true and correct status copy of Applicant's THE SHAMROCK FUND trademark application.

5. Attached as **Exhibit D** is a true and correct status copy of Opposer's SHAMROCK FUND trademark application.

6. Attached as **Exhibit E** are true and correct copies of Opposer's responses to discovery deficiencies dated October 29, 2015 and December 8, 2015.

7. Opposer produced an email from "Failte 32" to unidentified recipients dated September 1, 2011. A true and correct copy of this email is attached as **Exhibit F**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3rd day of March, 2016 at Brooklyn, New York.

/Roberto Ledesma/
Roberto Ledesma

Exhibit A

Maurice D. Landers,
Opposer,
v. Jack and Jill Foundation Limited,
Applicant.

Opposition No. 91218260
Mark: THE SHAMROCK FUND
Application Ser. No. 79107704

Pursuant to Rule 33, Federal Rules of Civil Procedure, and Section 2.120 of the Trademark Rules of Practice of the United States Patent and Trademark Office, Jack and Jill Foundation Limited (“Applicant”), by its undersigned counsel, hereby propounds the following interrogatory requests to be answered by Opposer, Maurice D. Landers (“Opposer”), separately and under oath, by serving written responses to the office of Lewis & Lin, LLC, within thirty (30) days of the date of service, pursuant to the included instructions and definitions. These requests are continuing in nature, and impose upon Respondent the obligations as stated in Rule 26(e) of the Federal Rules of Civil Procedure.

1. The term “Applicant” refers to the Applicant herein, Jack and Jill Foundation Limited, and any affiliated/related entities and individuals.
2. The term “Opposer,” “You” or “Your” refers to the Opposer in this action Maurice D. Landers, and any affiliated/related entities and individuals; and the Opposer’s past and present officers, employees, agents and representatives.
3. The wording “SHAMROCK FUND” or the “SHAMROCK FUND Mark” refers to the mark cited by Opposer as the basis for Opposition No. 91218260 filed by Opposer, unless otherwise stated or unless obvious from the context of the request.
4. The wording “SHAMROCK FUND” or the “SHAMROCK FUND Mark” also refers to the mark appearing in Opposer’s Application No. 86395547 and any alleged marks for which Opposer claims to own prior rights and continuous uninterrupted use, unless otherwise stated or unless obvious from the context of the request.
5. The term “Notice of Opposition” refers to the Notice of Opposition filed by Opposer in connection with Opposition No. 91218260.

6.The term “Opposer’s Services” or “Service” means each and every service ever offered or rendered with the authorization of Opposer in connection with a SHAMROCK FUND mark.

7.The term “sold,” as used in these definitions and interrogatories, means products or services paid for, transferred, rendered, or provided free of charge.

8.The terms “communication,” “writing,” and “document” are used in their customary broad sense and include, but are not limited to, copies of orders, acknowledgements thereof, contracts, invoices, bills, receipts, checks, books, records, reports, financial statements, letters, telegrams, notes, memoranda, calculations, diaries, worksheets, drafts, advertisements, and other tangible things, including without limitation originals and copies, whether typed, handwritten, or on tape, computer disc, some other recording or in electronic format, from whatever source, and any material underlying, supporting, or used in the preparation of any of such document or documents.

9.The term “identify,” when used in reference to a natural person, means to:

- (a)state his or her full name;
- (b)state his or her present or last-known address;
- (c)state his or her present or last-known employer or business affiliation; and
- (d)state his or her occupation and business position held and the length of time in such position.

10.The term “identify,” when used in reference to a corporation, partnership, or other business entity, means to:

- (a)state its full name;
- (b)state its present or last-known principal place of business;
- (c)state the nature of its business;
- (d)in the case of a corporation, set forth its State of incorporation;
- (e)state the identities of persons having knowledge of the matter with respect to which the company is named; and
- (f)state the identity(ies) of the executive officer or officers of the company.

11.The term “identify,” when used in reference to a document, means to:

- (a)state the date, author, recipient, and type of document (e.g., invoice, delivery receipt, etc.) or some other means of distinguishing the document;

- (b)state the identity of each person who prepared the document;
- (c)state the identity of each person who received the document;
- (d)state the present location of the document;
- (e)state the manner and dates of distribution and publication of the document, if any; and
- (f)state the identity of each person having possession, custody, or control of the document.

12.The phrase “describe” means that Opposer is requested to state with specificity each and every fact, particular circumstance, incident, act, omission, detail, event, and date, and to identify each and every document, as herein defined, relating thereto or in any way whatsoever concerning the matters inquired of.

13.The singular form of a word shall be understood to include the plural, and vice versa.

14.The conjunctive shall be understood to include the disjunctive, and vice versa.

INTERROGATORIES

Interrogatory No. 1

Identify whether Opposer is the sole owner of the SHAMROCK FUND Mark.

Maurice D. Landers believes he has rights to the mark but it has been trademarked by the applicant, so technically I’m not the owner pending the outcome of this opposition.

Interrogatory No. 2

Identify each predecessor, parent, subsidiary and any affiliated/related entities, organizations and individuals or trade names/DBAs of Opposer.

Failte 32 i.e. www.failte32.org

Interrogatory No. 3

Identify all Services in connection with which Opposer has used a SHAMROCK FUND Mark in the United States, and for each such usage, provide the date of first use in commerce, and if applicable, the last date of use in commerce.

Service 1. To support longer-term visa holders who were finding it difficult gaining employment in the U.S. The Shamrock Fund offered to subsidize (or fully pay) the membership of IWT J-1

visa holders to influential Irish American business and cultural organizations in the U.S to help jobseekers network for employment and hopefully get referrals off of other members.

Date of first use in commerce: 9/1/11 Last date of use in commerce: 9/6/13

Service 2. The plan when the Shamrock Fund was launched was to also in time expand its purpose to include supporting other worthy causes while always keeping administrative costs at zero.

Date of first use in commerce: See Interrogatory No. 18

Interrogatory No. 4

Identify all persons responsible for creation, adoption and/or licensing of the SHAMROCK FUND Mark, and the date(s) in which the mark was first developed, used and/or licensed.

Maurice D. Landers

Date in which the mark was first developed: The idea for a support fund can be traced back to June 2011, but I had not yet chosen a name. I chose the name after reading an article on the original Shamrock Fund in the Irish Examiner USA on August 9, 2011. I first announced the soon to be launched Shamrock Fund on August 22, 2011, and I first used the name Shamrock Fund on 9/1/2011.

Interrogatory No. 5

Identify all persons responsible for management of Services offered under the SHAMROCK FUND Mark.

Maurice D. Landers

Interrogatory No. 6

Identify all persons currently involved in the development, marketing, sale, and rendering of Services offered under the SHAMROCK FUND Mark.

Maurice D. Landers

Due to my opposition (legal action), I cannot render any services pending the outcome of my opposition. Much of the initial developmental work is complete as I plan to offer services via the HaloCard Project platform which is a simple matter of just connecting to the platform. I continue to market the Shamrock Fund, predominately by word of mouth whenever I network, as a service that is on hold due to legal action but that will hopefully in the near future provide donations to charities and the most needy in society.

Interrogatory No. 7

Identify the person most knowledgeable about use of the SHAMROCK FUND Mark in U.S. commerce.

Maurice D. Landers

Interrogatory No. 8

Identify the person most knowledgeable about any and all licensing agreements for the SHAMROCK FUND Mark.

N/A

Interrogatory No. 9

Identify all trade channels in which Opposer has offered Services under the SHAMROCK FUND Mark.

Internet and word of mouth

Interrogatory No. 10

Identify any and all licensees of Opposer's SHAMROCK FUND Mark.

N/A

Interrogatory No. 11

Describe the nature of the Services offered by Opposer under the SHAMROCK FUND Mark, including but not limited to, listing all U.S. states and territories wherein Opposer has rendered the Services.

See Interrogatory 3 and 6.

U.S. states and territories wherein Opposer has rendered the Services: My e mailing list that I used to market the Shamrock Fund included emails I had gathered over the years during my involvement in the Irish and Irish American community, the owners of which could be resident anywhere in the U.S, Ireland, the UK or anywhere else on the planet for that matter. I also used the RendezVous353.com networking platform (I was their Ambassador in the U.S.) which enabled me to market my services to those in the U.S. and many other countries. Newsletters from organizations such as The Coalition of Irish Immigration Centers, which covered the Shamrock Fund launch on 9/1/11, also provided marketing leverage for the Shamrock Fund by sending information on the launch to their mailing lists which would include email recipients in many if not all states in the U.S.

Interrogatory No. 12

State whether Opposer has a license to solicit charitable contributions in the U.S.

No

The Opposer has not yet solicited charitable contributions in the U.S. All donations were made out of pocket.

Interrogatory No. 13

Identify the U.S. state(s) under which Opposer's fundraising activities are regulated.

N/A – see Interrogatory No. 13

Interrogatory No. 14

State Opposer's annual expenditures since the year 2010 for offering and rendering Opposer's Service under the SHAMROCK FUND Mark in the United States.

I believe you meant to say "...since the year 2011 for offering...". The Shamrock Fund was launched on 9/1/2011.

In terms of expenditures, due to the Shamrock Fund principles, any of these costs would be paid out of pocket. If you were to try to determine costs associated with the time and effort I expended, that would be a subjective figure that I am unable to provide.

Interrogatory No. 15

State Opposer's annual revenue since the year 2010 for Services offered under the SHAMROCK FUND Mark in the United States.

N/A – No annual revenues. Donations were made out of pocket.

Interrogatory No. 16

State Opposer's annual contributions to charities and/or non-profits since the year 2010 for Services offered under the SHAMROCK FUND Mark in the United States.

N/A – The Shamrock Fund has not yet contributed to charities or non-profits.

Interrogatory No. 17

State the amount in U.S. Dollars that Opposer has received annually in monetary donations since the year 2010 for Services offered under the SHAMROCK FUND Mark in the United States.

N/A – No donations received by the Opposer. Donations were made out of pocket.

Interrogatory No. 18

State all charities and non-profits that Opposer has contributed its fundraising efforts to and rendered Services offered under the SHAMROCK FUND Mark in the United States.

Shamrock Fund donated to visa card holders upon request, not yet to charities and non-profits.

In terms of donations, the Shamrock Fund would have donated out of pocket a few hundred dollars since 2011 to my recollection to those who requested assistance through the Shamrock Fund. No request was ever turned down, and the offer of assistance (donations) under the Shamrock Fund visa support service remained active up until 9/6/13. Since the Shamrock Fund was no longer receiving requests for assistance under the Shamrock Fund from visa card holders, it decided to no longer provide this type of funding rather focus all its efforts now on raising funding to assist the most needy in society, which was part of its original plans/purpose when originally launched. Although the above donation amount seems small, I believe the Shamrock Fund got the message out to Irish American community organizations who then allowed visa card holders seeking employment to attend their events without charging them membership fees. Failte 32, from which the Shamrock Fund was launched, similarly influenced Irish American organizations when it was launched to assist visa card holders seeking employment in their quest to find a job. So it is no surprise that the Shamrock Fund further influenced this assistance. Visa card holders from Ireland were having a very difficult time finding employment around the time Failte 32 was launched, and this hadn't changed much when the Shamrock Fund was launched, hence the need to launch a Fund such as the Shamrock Fund to try to push those seeking employment deeper into the activities of Irish American organizations thereby increasing their chances of getting a job via networking and referrals (but this required them to pay a membership fee if they applied outside of the Shamrock Fund or Failte 32). Therefore, the amount of donations above doesn't accurately convey the effect of or assistance provided by the Shamrock Fund.

Therefore, the Shamrock Fund was 'in use' in terms of providing assistance to visa card holders up until 9/6/13. I thought the ending of the Failte 32 initiative an appropriate time to announce the transition of the Shamrock Fund from supporting visa card holders to its newer role, under its original plans, to offer support to the most needy in society. I based this on the fact that we had helped those who can help themselves, and now want to help those who cannot help themselves. I had been actively involved in the HaloCard Project since its inception in May 2013 (even before that), working with the Founder, to connect the Shamrock Fund and other organizations to the HaloCard platform which would enable me to eventually raise funds and donate to charities of my choosing.

So even while setting up the Shamrock Fund giving platform using the HaloCard platform, we were still providing support to visa card holders up until 9/6/13. After 9/6/13, the Shamrock Fund continued on its own. It was in and around the time the Failte 32 initiative ended that the HaloCard Project was gaining traction as a full-fledged business which also influenced my decision to focus all my efforts on connecting the Shamrock Fund to this platform and my move away from providing support to visa card holders, which as above, was no longer necessary. I incorporated the Shamrock Fund as a non-profit in August 2013 since it was now transitioning to a more charitable type of organization. I also filed the Shamrock Fund logo (same as original poster) with the USPTO and NY State in August 2013. The Federal applications was since

abandoned since I filed it myself and thought that I had also trade marked the name 'Shamrock Fund', which was not the case. Incidentally, in August 2013, I also assisted the HaloCard Project in getting the Emerald Isle Immigration Center to apply to the HaloCard Project, due to my close informal working relationship with the Founder. I mention these events above, and the following events, to make clear that the Shamrock Fund continued in use now as a charity rather than as a support for visa card holders.

There was not much the Shamrock Fund could do in terms of active fundraising and donating until after it was connected to the HaloCard platform. Although I had uploaded the Shamrock Fund logo onto the HaloCard website in August 2013, I was not at that stage doing any fundraising or donating. The uploading of the Shamrock Fund logo (which replaced the Failte 32 logo) was such as to announce that the Shamrock Fund would in the near future be fully connecting to the HaloCard platform, and served to give the Shamrock Fund some exposure and marketing. Therefore, the Shamrock Fund was still in use in terms of its marketing efforts at least. I also had to work out which charities the Shamrock Fund would donate to, and work on possibly getting 501 (c)(3) or (4) status, so there was work going on in the background regarding how the Shamrock Fund could be effective in its use going forward. In October 2013 I was setting up an online HaloCard newsletter to promote the Shamrock Fund and other organizations and charities, a predecessor to a Shamrock Fund newsletter. I also had to put together a core team that would be involved in directly assisting the most needy in high risk situations and areas.

In December 2013, I received an office action notification regarding the Shamrock Fund original USPTO trademark application. Five months later, around May 2014, I engaged with my trademark lawyer regarding opposing the Applicant's trademark of the Shamrock Fund, which I had been unaware of.

Things have effectively stalled since then until this legal battle is resolved. I could have had the Shamrock Fund fully connected to the HaloCard platform at this stage and be fundraising and making donations had the applicant not taken what is rightfully mine. I still continue to market the Shamrock Fund by word of mouth, and I still consider it in use but stalled pending the outcome of this case. It certainly was in full use from 9/1/11 up to 9/6/13 under its visa support service, which is almost 2 months before the applicants filing of the Shamrock Fund mark, and almost 2 years after the applicants filing of the Shamrock Fund mark.

Also, my Failte 32 website is still active which includes information on the Shamrock Fund, until I have a separate Shamrock Fund website, which I set up yet pending the outcome of these legal proceedings.

Interrogatory No. 19

State whether Opposer advertises its Services under the SHAMROCK FUND Mark in the United States, and if so, the U.S. state in which the mark was advertised and date(s) of advertising.

See Interrogatory No. 11

See also Exhibits 1, 2, 3, 4, 6, 8, 10, 13, 14, 15, 17, 18, 19, 20 & 21 attached.

Interrogatory No. 20

Identify any use of the SHAMROCK FUND Mark or any marks similar thereto, by any third party.

Not clear by what you mean by third party, but since reading this Interrogatory, I Googled Shamrock Fund and found two Funds named Shamrock Fund, one of them under what seems to be a philanthropy community platform named Community Foundation of Middlesex County, and the other as part of a school fundraising program named Falls City Sacred Heart School.

My previous lawyer had also done a trade mark search. See Document Request No. 14.

Interrogatory No. 21

Identify any disputes, including, but not limited to, lawsuits, oppositions, written objections, or threatened litigations, concerning the use, application, or registration of the SHAMROCK FUND Mark.

None that I'm aware of.

Interrogatory No. 22

State whether Opposer, or anyone acting on Opposer's behalf, has ever entered into a license, assignment or other agreement regarding the SHAMROCK FUND Mark and, if so, provide the particulars of same.

None that I'm aware of.

Interrogatory No. 23

State the location and address, physical and online, of all services offered under the SHAMROCK FUND Mark and the corresponding dates of use for each location.

Failte 32 (www.failte32.org) and online newsletters – see Exhibits 1, 4, 12, 15, 18 & 19

Interrogatory No. 24

State whether Opposer has ever ceased use and ceased offering Services under the SHAMROCK FUND mark in any state or territory in the U.S. and the circumstances for any periods of non-use or abandonment.

See Interrogatory No. 18

I still market the Shamrock Fund by word of mouth while networking, and inform those I speak to that pending the outcome of legal proceedings, I plan to complete the connectivity of the Shamrock Fund to the HaloCard platform for fundraising and donations. Therefore, in the spirit and context of the words 'in use', when an organization (Shamrock Fund) is transitioning, like any organization or business might do, from one service to another, I regard the Shamrock Fund

still in use since its transition from providing support to visa card holders seeking employment to now endeavoring to provide support to the most needy in society.

Interrogatory No. 25

Describe the circumstances under which Opposer claims to own exclusive nationwide trademark rights to its SHAMROCK FUND mark in U.S. interstate commerce as alleged in Opposer's Notice of Opposition.

My use predates the Applicant, and the Shamrock Fund was marketed (including to the Coalition of Irish Immigration Centers) to most if not all U.S. states. See also Interrogatory No. 11

Interrogatory No. 26

Describe the circumstances under which Opposer claims priority over Applicant's THE SHAMROCK FUND mark at issue as alleged in Opposer's Notice of Opposition.

Opposer's use predates the Applicant, and the Applicant can't prove use before 9/1/11, if indeed use at all. The same laws apply to the Applicant as they do to me, the Opposer. If the Applicant hasn't used the Shamrock Fund mark in interstate commerce, then it has no right to, to use their lawyer's own words, "reserve" the mark for future use.

Interrogatory No. 27

Describe how Opposer's SHAMROCK FUND Mark is "famous" as that term is understood under U.S. trademark law as alleged in Paragraph 5 in Opposer's Notice of Opposition.

Geographic area – see Interrogatory 11

History of the mark going back to 1916 i.e. recognition and distinctiveness (the reason I allege that the Applicant has stolen my mark - why else would they want it?). See immediately below from Irish Examiner USA:

An extremely rare poster used in 1917 to raise money in America for Irish servicemen who had been injured or disabled in World War I has gone under the hammer in New York.

The poster, which was designed for an organization called the Shamrock Fund, sold for \$1,400 at Swann Auction Galleries in Gramercy, Manhattan last Wednesday.

Called "Erin's Appeal to America: Help My Irish Disabled", it was designed by an illustrator called "Jagger" and depicts a wounded soldier, attended by a friend who is appealing to the Statue of Liberty for aid.

The Shamrock Fund was one of many European funds established in New York during the war.

It's not known how much money it raised in New York, but in Ireland subscriptions poured in and enough money was raised to open an Auxiliary hospital in Bray, Co. Wicklow in 1918 specializing in fitting artificial limbs.

In November 1916, the New York Times reported that Lady Kingston from Co. Roscommon had arrived in the city to set up a fund to help TB sufferers and other Irish soldiers injured or disabled in the trenches.

Her appeal was directed at the Irish living in New York "who ought to be glad to do something to help their own people."

The Countess of Kingston had been dispatched by committee in Ireland where fundraising had already been underway for some time.

Interrogatory No. 28

Describe how Applicant "fraudelently filed" its THE SHAMROCK FUND application, which was as a Section 66(a) Madrid extension, under the current state of fraud jurisprudence at the Trademark Trial and Appeal Board, as alleged in Paragraph 8 in Opposer's Notice of Opposition.

See below:

The evidence firmly demonstrates that Mr. Landers began using his trademark SHAMROCK FUND by September 1, 2011. Moreover, the evidence is clear that Jonathan Irwin, the CEO of your client, was aware of Mr. Landers' prior use at a time when he could have made alternate plans to use the trademark THE SHAMROCK FUND. In his e-mail of October 17, 2011 (Exhibit 12), Mr. Irwin stated that he did not want to "discommode" Mr. Landers, and that there was no intention by Mr. Irwin's company to "have a permanent being in NYC." This might very well invalidate his declaration from October 14, 2011 and his company's resulting application. In any event, it was within Mr. Irwin's power to change his business plans and not adopt the trademark THE SHAMROCK FUND for his company's charitable services. Instead, he proceeded forward with his plans, taking the risk that he could later be found to violate Mr. Landers' trademark rights. That is where we are today.

Mr. Irwin's statements to my client on October 17, 2011 are very troubling. Mr. Irwin told Mr. Landers, in no uncertain terms, "I doubt the name [SHAMROCK FUND] will reappear as Jack and Jill is our banner. There is no intention to have a permanent being in NYC." If that is the case, the company's later application may be void as lacking a valid basis for filing.

Perhaps Mr. Irwin was operating on the mistaken belief that his company had applied for the trademark THE SHAMROCK FUND "on a worldwide basis" "some months ago." This would have been some months before October, 2011. Plainly, that is not the case. Your client's international application was filed before the Office for Harmonization in the Internal Market (OHIM) on October 26, 2011, the same date that it filed its extension of protection into the United States (the opposed application). As you are aware, this is the earliest priority date that your client can rely upon for any constructive use date in the United States. To date, we have seen no evidence of use predating our client's date of first use of the SHAMROCK FUND trademark. Thus, the evidence points strongly against your client when it comes to the issue of priority.

Interrogatory No. 29

State whether Opposer has continuously offered Services under the SHAMROCK FUND Mark in U.S. commerce.

See Interrogatory No. 18

Interrogatory No. 30

State whether Opposer has ever had a period of non-use of the SHAMROCK FUND Mark in U.S. commerce.

See Interrogatory No. 18

Interrogatory No. 31

State whether Opposer currently offers Services under the SHAMROCK FUND Mark in

U.S. commerce.

See Interrogatory No. 18

Interrogatory No. 32

Identify any periods of Respondent's non-use of SHAMROCK FUND Mark from 2010
to present.

See Interrogatory No. 18

Date: September 8, 2015 By: /Maurice D Landers/
Maurice D Landers

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347 827 8713

mauricelanders@yahoo.com
Representing itself

Maurice D. Landers,
Opposer,
v. Jack and Jill Foundation Limited,
Applicant.

Opposition No. 91218260
Mark: THE SHAMROCK FUND
Application Ser. No. 79107704

Pursuant to Rule 34, Federal Rules of Civil Procedure, and Section 2.120 of the Trademark Rules of Practice of the United States Patent and Trademark Office, Applicant Jack and Jill Foundation Limited, (“Applicant”), by its undersigned counsel, hereby propounds the following document requests to be answered by Opposer, Maurice D. Landers (“Opposer”), by serving written responses and responsive documents and things to the office of Lewis & Lin, LLC, within thirty (30) days of the date of service, pursuant to the included instructions and definitions. These requests are continuing in nature, and impose upon Opposer the obligations as stated in Rule 26(e) of the Federal Rules of Civil Procedure.

business affiliation, the writer, the addressee and all recipients thereof; and set forth the general subject matter to which the document relates, and its date.

2. Each response shall be made based upon your entire knowledge, acquired with due diligence and available from all sources, including all information in your possession or that of your agents, representatives, or attorneys.

3.If you cannot respond to the request in full after exercising the due diligence to secure the documents and things necessary to do so, please set forth your efforts to ascertain the requested documents and things, and respond to the extent possible.

4.If you qualify a response in any manner, please set forth the exact nature and extent of the qualification.

5.Wherever it is reasonably practical, please produce documents in such a manner as will facilitate their identification with the particular request or category of requests to which they are responsive, pursuant to the provisions of Fed. R. Civ. P. 34(b).

6.With respect to any document requested below for which a claim of privilege or work product is made, indicate the nature of the document; identify by name, address, title and business affiliation, the writer, the addressee and all recipients thereof; and set forth the general subject matter to which the document relates, and its date.

REQUESTS

Document Request No. 1

All documents from which Opposer obtained information to answer Applicant's First Set of Interrogatories.

See all discovery emails and attached documents sent by Opposer to Applicant's attorney.

Document Request No. 2

All documents and things on which Opposer intends to rely upon in connection with the allegations set forth in Opposer's Notice of Opposition.

See all discovery emails and attached documents sent by Opposer to Applicant's attorney, and possibly other discovery documents I may come across prior to end of discovery period or trial.

Document Request No. 3

All documents and things relating to Opposer's priority to the SHAMROCK FUND Mark in U.S. commerce.

See attached 'Opposition - part 1', specifically points 1, 3, 4, 5, 8, 9, 11, 12, 13, 14.

See attached 'To Jonathan Irwin'.

See attached 'Communication from a Howard Maxwell re. launch of Shamrock Fund'.

See attached 'Letter to Dixon 012815-1-1' and 'Letter to Dixon 012815-2-3'.

See Exhibits 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 in attached 'Letter to Dixon 012815-1-1'

Document Request No. 4

All documents and things demonstrating that Opposer is authorized to render charitable fundraising services in the U.S.

N/A – Fundraising plans stalled due to opposition.

Document Request No. 5

All documents and things demonstrating that Opposer operates fundraising services in U.S. commerce.

N/A - Fundraising plans stalled due to opposition.

Document Request No. 6

All documents and things relating to Opposer's alleged first use of a SHAMROCK FUND Mark in each U.S. state in which it operates and/or renders services.

See Exhibit 4 in attached 'Letter to Dixon 012815-1-1'.

See also Document Request No. 3 above.

See attached 'Shamrock Fund donation 2'.

See attached 'Shamrock Fund donation'.

See attached 'Feedback after launch of Shamrock Fund'.

Document Request No. 7

All documents and things relating to use of the SHAMROCK FUND Mark from 2010 to the present, including but not limited to specimens of use, advertisements, business filings, tax filings, etc.

See all discovery emails and attached documents.

See also attached 'Shamrock Fund services still being offered' (7 attachments).

Document Request No. 8

All documents and things concerning any disputes, including, but not limited to, lawsuits, oppositions, written objections, or threatened litigations, concerning the use, application, or registration of the SHAMROCK FUND Mark.

None that I'm aware of.

Document Request No. 9

All documents and things concerning any agreements, licensors, licensees or licenses regarding the use of the SHAMROCK FUND Mark.

None that I'm aware of.

Document Request No. 10

Representative samples of marketing and promotional materials since the year 2010, including, without limitation, brochures, advertisements, pamphlets, manuals and any other promotional materials, upon which the SHAMROCK FUND Mark appears.

See Exhibits 1, 2, 3, 4, 11, 13, 14, 15, 16, 17, 18, 19, 20 in attached 'Letter to Dixon 012815-1-1'.

Failte 32 (www.failte32.org) - see following links:

<http://www.failte32.org/about-failte-32/useful-articles/failte-32-newsletter-jlrs-g%E2%80%8B%E2%80%8Bet-your-tax-refund-new-failte-32-shamrock-fund-jlrs-great-ambassador%E2%80%8Bs-for-ireland-in-usa-and-more/>

<http://www.failte32.org/about-failte-32/useful-articles/shamrock-fund-launched-applicatio%E2%80%8Bns-now-being-accepted-from-those-in-new-york-on-j-1-iwt-program/>

<http://www.failte32.org/about-failte-32/useful-articles/failte32-o%E2%80%8Brg-newsletter-shamrock-fund-update-requests-from-new-arrivals-for-assistance%E2%80%8Bsenior-support-dv-lottery-2013-and-more/>

<http://www.failte32.org/about-failte-32/useful-articles/shamrock-fund-principles/>

I had placed the Shamrock Fund poster image as a logo on the HaloCard Project website from August 2013 to September 2014. I took it down after I had abandoned my application to the USPTO for the poster image as a trademark. See attached 'HaloCard Project'.

See attached 'Shamrock Fund services still being offered' (7 attachments).

I also mentioned my Shamrock Fund efforts in other documents that were sent to thousands of email addresses including financial firms, endowments, Chambers of Commerce, Embassies etc. all over the world. See below:

<http://www.failte32.org/wp-content/uploads/2014/06/My-observations-and-interpretation-of-Enterprise-Ireland.....pdf>

Document Request No. 11

Documents sufficient to identify the total cost of advertising, marketing, or promotion of Services offered by Opposer under the SHAMROCK FUND Mark.

N/A – Shamrock Fund principles require zero administrative and other costs. All costs to be paid out of pocket.

Document Request No. 12

All documents and things demonstrating all charitable contributions and donations received by Opposer from the year 2010 to the present for fundraising Services in U.S. commerce.

N/A – Donations were made out of pocket.

Document Request No. 13

Documents sufficient to identify the trade channels used by Opposer in connection with the offering and rendering of Services under the SHAMROCK FUND Mark.

See Document Request No. 10 above.

We were also able to indirectly access trade channels via organizations such as the Irish Business Organization, Irish Network-NYC, ITLG and IIBN who offered the Shamrock Fund a reduced rate for any annual memberships it pays on behalf of visa holders seeking employment (Exhibit 4 in attached 'Letter to Dixon 012815-1-1').

We also indirectly accessed trade channels via Failte 32's 'Strategic Partners' and 'Affiliated Organizations' networks (www.failte32.org).

See also attached 'Communication from a Howard Maxwell re. launch of Shamrock Fund'.

Document Request No. 14

Documents sufficient to identify any trademark searches, including but not limited to a search report, for Opposer's adoption and alleged use of its SHAMROCK FUND Mark.

See attached 'shamrock regs' and 'Trademark searches'. See also Interrogatory No. 20

Document Request No. 15

Documents sufficient to identify the geographic scope of the consumer base to which Opposer markets and offers Services under the SHAMROCK FUND Mark.

See Document Request No. 13 above.

The Shamrock Fund would also have been marketed through RendezVous353.com which enabled it to promote its services (inc. planned services) to many other countries including the USA. This website is no longer active I believe. RendezVous353 was one of Failte 32's Strategic Partners when Failte 32 was active. See attached 'RendezVous353'.

The Emerald Isle Immigration Center, Irish Times, Trinity College Dublin Alumni and other sources also referred its followers to the Failte 32 website, and therefore indirectly to the Shamrock Fund. See attached 'Website hits'.

Document Request No. 16

All documents and things concerning Opposer's plans, if any, to expand use of the SHAMROCK FUND Mark.

See Exhibit 21

See attached 'Shamrock Fund services still being offered' (7 attachments).

See attached 'Informally working with HaloCard in context of helping Shamrock Fund'.

See attached 'Re. plans to expand use of Shamrock Fund mark'.

See attached 'EIIC'. Getting other organizations on board such as the EIIC would help the Shamrock Fund in time as per above attachment 'Re. plans to expand use of Shamrock Fund mark' and 'Informally working with HaloCard in context of helping Shamrock Fund'.

See attached 'Shamrock Fund logo'.

See attached 'Shamrock Fund logo 2'.

See attached 'Shamrock Fund newsletter'.

See attached 'Thank You For Attending the HaloCard Open House'.

See Interrogatory No. 18.

See attached 'Service mark'.

Document Request No. 17

All documents and things evidencing that there have been no periods of non-use or abandonment of the SHAMROCK FUND Mark from 2010 to the present.

The Shamrock Fund has been effectively stalled, pending the outcome of my opposition, since around May 2014 in and around the time I engaged my prior lawyer regarding opposing the Applicant. I have however continued to market the Shamrock Fund by word of mouth since it was launched.

I had placed the Shamrock Fund poster image as a logo on the HaloCard Project website from August 2013 to September 2014. I took it down after I had abandoned my application to the USPTO for the poster image as a trademark. See attached 'HaloCard Project'.

The above in no way imply non-use or abandonment. There was, still is and always has been a strong desire to expand the Shamrock Fund via the HaloCard Project platform.

Document Request No. 18

All documents and things Opposer intends to reference, present, or otherwise rely upon at trial.

All documents given to the Applicant's lawyer as part of the discovery process, and any other documents I may come across prior to the end of the discovery period.

Document Request No. 19

All documents and things supporting Opposer's alleged August 22, 2011 date of first use of its SHAMROCK FUND Mark in the U.S., as set forth in its pending application no. 86395547.

August 22, 2011 was the date I announced the soon to be launched Shamrock Fund. September 1, 2011 was the launch date and date of first use. See Exhibits 1 and 4 in attached 'Letter to Dixon 012815-1-1' and 'Letter to Dixon 012815-2-3'.

Document Request No. 20

All documents and things demonstrating that Opposer has continuously used a SHAMROCK FUND Mark in U.S. commerce from 2010 to present.

See Document Request No. 16 and No. 17

Document Request No. 21

All documents and things relating to any organizations that have received charitable contributions on behalf of donations received by Opposer for its fundraising Services.

Donations were made out of pocket to Irish American organizations on behalf of visa holders seeking employment.

See Exhibits 16 (attached 'Letter to Dixon 012815-1-1' and 'Letter to Dixon 012815-2-3').

See attached 'Chris Kwong'. Payment to Summer party was made via the Shamrock Fund, although not mentioned specifically in the email. See also attached 'Summer Party'.

See attached 'Shamrock Fund Receipt' and 'IIBN Receipt'. See also attached 'Shamrock Fund donation 2'.

See attached 'Shamrock Fund donation'. This donation was voluntarily offered by Tara McCabe in response to the announcement of our launch, and was not solicited.

See attached 'Shamrock Fund-Failte 32 donation'. Stanley Goldstein is the Founder of the HaloCard Project, and the person I informally worked with to help promote the HaloCard in the context of ultimately helping the Shamrock Fund. Therefore, his donation, which was voluntarily offered, represented a Shamrock Fund donation. The Failte 32 donation was effectively from the Shamrock Fund also, although the Shamrock Fund was not specifically mentioned in the email.

Document Request No. 22

All documents and things relating to Opposer's authorization to solicit and offer charitable fundraising services in the U.S., including but not limited to any state registrations and licenses.

N/A – Donations were made out of pocket to Irish American organizations on behalf of visa holders seeking employment.

Document Request No. 23

All documents and things, including but not limited to, financial reports and IRS filings, evidencing Opposer's fundraising activities.

See attached '990-N E-filing Receipt'.

Document Request No. 24

Documents sufficient to identify all charities and non-profits that have received contributions and/or donations as a result of Services rendered by Opposer under the SHAMROCK FUND Mark.

See Document Request No. 21 above.

Date: September 8, 2015 By: /Maurice D Landers/
Maurice D Landers

30-80 33rd St., Fl. 3
Astoria, NY 11102

347 827 8713

mauricelanders@yahoo.com
Opposer representing itself

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Applicant this 8th day of September, 2015, by emailing a copy thereof to Roberto Ledesma, Lewis & Lin, LLC, 45 Main St. Suite 608, Brooklyn, NY 11201 Email: roberto@ilawco.com

_____/Maurice D Landers/_____

Maurice D Landers

Exhibit B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD

Maurice D. Landers,
Opposer,

v.

Jack and Jill Foundation Limited,
Applicant.

Opposition No. 91218260

Mark: THE SHAMROCK FUND

Application Ser. No. 79107704

**APPLICANT'S RESPONSE TO OPPOSER'S
INTERROGATORIES**

Applicant, Jack and Jill Foundation Limited, answers and responds to Opposer's interrogatories as follows:

GENERAL OBJECTIONS

1. Applicant objects to each individual request to the extent that it seeks information protected from discovery by the attorney-client privilege, the work-product doctrine, and other applicable privilege, or otherwise not subject to discovery under the Rules of Civil Procedure, or otherwise. Disclosure of information that is subject to the attorney-client privilege, work product doctrine, or other privilege is inadvertent and shall not constitute a waiver of any such privilege or protection.

2. Applicant objects to each individual request to the extent that it is vague, ambiguous, overly broad, lacks sufficient particularity and to the extent that it requires an oppressive, unduly burdensome, or prohibitively expensive search.

3. Applicant objects to each individual request to the extent that it requests the identification of information or documents and seeks disclosure of information or

documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

4. Applicant objects to each individual request to the extent that it seeks information which is already in Applicant's possession, custody or control and/or is readily accessible to the Applicant or its counsel.

5. Applicant objects to each individual request to the extent that it requires it to search for information not within its possession, custody, or control.

6. All objections as to relevance, authenticity, or admissibility of any information or documents produced in response to the requests are expressly reserved.

7. All responses set forth herein are made subject to, and without waving, these General Objections.

8. Applicant objects to the definition of "Applicant's Marks(s)" to the extent it is overbroad and includes marks that are outside the scope of the instant proceeding.

9. Applicant's responses herein are expressly subject to each of the foregoing "General Objections" and each of them are expressly incorporated by reference into each response.

10. Applicant reserves the right to supplement its responses to Opposer's Interrogatories as more information becomes known.

ANSWERS TO INTERROGATORIES

1. **Identify whether Applicant is the sole owner of THE SHAMROCK FUND mark.**

It is the Applicant's belief that it is the sole owner of the rights in and to THE SHAMROCK FUND mark in the US. The application (USPTO Serial Number

79107704) to register THE SHAMROCK FUND mark in the US was filed solely on behalf of the Applicant.

2. Identify each predecessor, parent, subsidiary and any affiliated/related entities, organizations and individuals or trade names/DBAs of Applicant.

The Applicant is The Jack and Jill Foundation Limited (IE231955), a company limited by guarantee, incorporated in Ireland, with registered office at Johnstown Manor, Johnstown, Naas, Co. Kildare. It is registered as a charity. It trades as The Jack and Jill Foundation, The Jack & Jill Children's Foundation and Jack and Jill.

The Applicant set up a company, The Shamrock Fund of the Jack and Jill Children's Foundation Inc. which is incorporated in Delaware (reg no. 5166211) and which is registered as a charity ("US Entity").

Jack and Jill Partnership Limited (IE487109) and Jack and Jill Recycling Limited (IE507175) are wholly owned subsidiaries of the Applicant.

3. Identify all Services in connection with which Applicant has used a THE SHAMROCK FUND mark in the United States, and for each such usage, provide the date of first use in commerce, and if applicable, the last date of use in commerce.

The Applicant filed for a US trademark for THE SHAMROCK FUND mark on October 26, 2011 with an October 14, 2011 priority claim. The mark is to be used for charitable fundraising and philanthropic services, namely, to appeal for donations which the Applicant will either pay directly to the families of children (up to the age of 4) who have severe brain damage, or use the funds to buy end of life care on behalf of the families in question ("Applicant's Services").

The Applicant launched a new fundraising appeal, called The Shamrock Fund, in New York on 24th October 2011 at Lily O'Brien's Chocolate Café in Manhattan. The Shamrock Fund is an appeal to the Irish diaspora in the US to promote the Applicant's Services.

The Applicant incorporated a company, called The Shamrock Fund of the Jack and Jill's Children Foundation Inc., in the state of Delaware on 7th June 2012.

4. Identify all persons responsible for creation, adoption and/or licensing of THE SHAMROCK FUND mark, and the date(s) in which the mark was first developed, used and/or licensed.

The Applicant's idea to use THE SHAMROCK FUND mark arose at the start of August 2011 when Mr. Jonathan Irwin (a director of the Applicant) saw a photograph of a 1917 poster bearing the slogan, 'the Shamrock Fund', which appeared in the Irish Times on 6 August 2011.

In or around 25 August 2011, Mr. Irwin instructed a designer, Mr. Conor Kennedy of the Javelin Group of The Warehouse, 10 Coke Lane, Smithfield, Dublin 7, Ireland, to adapt the poster for the Applicant's use.

5. Identify all persons responsible for management of Services offered under THE SHAMROCK FUND mark.

The US Entity has 3 directors, Jonathan Irwin and Mary Ann O'Brien, both of Griesebank House, Ballitore, Co. Kildare, and David Reid Scott of Ballinure, Dunlavin, Co. Wicklow, all of whom are responsible for organising the management of the Applicant's Services under THE SHAMROCK FUND mark. A further individual, Ruth Croke of 127 West 136th St #1 New York, NY 10030 was engaged to help manage the appeal in the US.

Prior to the incorporation of the US Entity, the appeal was managed by the above mentioned Jonathan Irwin and Mary Ann O'Brien as directors of the Applicant along with Mike Hannon of 2 Ard Aoibhinn, Virginia, Co. Cavan, who was engaged to assist in the process.

6. Identify all persons currently involved in the development, marketing, sale, and rendering of Services offered under THE SHAMROCK FUND mark.

See the answer to Interrogatory No. 5.

7. Identify the person most knowledgeable about use of THE SHAMROCK FUND mark in U.S. commerce.

The above-mentioned Jonathan Irwin and Ruth Croke.

8. Identify the person most knowledgeable about any and all licensing agreements for THE SHAMROCK FUND mark.

The above-mentioned Jonathan Irwin and Ruth Croke.

9. Identify all trade channels in which Applicant has offered Services under THE SHAMROCK FUND mark.

- (i) private functions;
- (ii) posts and blogs on websites,
- (iii) radio interview;
- (iv) social media posts.

10. Identify any and all licensees of Applicant's THE SHAMROCK FUND mark.

The Shamrock Fund of the Jack and Jill's Children Foundation Inc.

11. Describe the nature of the Services offered by Applicant under THE SHAMROCK FUND mark, including but not limited to, listing all U.S. states and territories wherein Applicant has rendered the Services.

See the answer to Interrogatory No. 1 for a description of the Applicant's Services, and the answer to Interrogatory No. 9 for a list of the fund raising activities carried out by the Applicant.

12. State whether Applicant has a license to solicit charitable contributions in the U.S.

The US Entity has a licence to solicit charitable contributions in the US.

13. Identify the U.S. state(s) under which Applicant's fundraising activities are regulated.

The US Entity's activities are regulated under the state of New York.

14. State Applicant's annual expenditures since October 26, 2011, for offering and rendering Applicant's Service under THE SHAMROCK FUND mark in the United States.

Applicant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of relevant or admissible evidence. Applicant's U.S. Application is based on an extension of an International Registration for which Applicant is not and has not been required to submit evidence of use in the U.S. Applicant owns an October 14, 2011 priority date, which provides Applicant with a constructive date of first use for purposes of establishing its trademark rights in the U.S. Subject to the above, and Applicant's General Objections, Applicant responds as follows:

In total, the Applicant has spent £9,411.53 on legal fees in connection with the application to register THE SHAMROCK FUND as a mark in the United States; £9,876.91 on legal fees in connection with the set-up of the US Entity; €3,500 to the above mentioned Mike Hannon for his services; €3,000 to the above mentioned Ruth Croke for her services; and €1,278 in miscellaneous costs.

15. State Applicant's annual revenue since October 26, 2011, for Services offered under THE SHAMROCK FUND mark in the United States.

Applicant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of relevant or admissible evidence. Applicant's U.S. Application is based on an extension of an International Registration for which Applicant is not and has not been required to submit evidence of use in the U.S. Applicant owns an October 14, 2011 priority date, which provides Applicant with a constructive date of first use for purposes of establishing its trademark rights in the U.S. Subject to the above, and Applicant's General Objections, Applicant responds as follows: \$0.00.

16. State Applicant's annual contributions to charities and/or non-profits since October 26, 2011, for Services offered under THE SHAMROCK FUND mark in the United States.

Applicant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of relevant or admissible evidence. Applicant's U.S. Application is based on an extension of an International Registration for which Applicant is not and has not been required to submit evidence of use in the U.S. Applicant owns an October 14, 2011 priority date, which provides Applicant with a constructive date of first use for purposes of establishing its trademark rights in the U.S. Subject to the above, and Applicant's General Objections, Applicant responds as follows:

The Applicant does not contribute to charities or non-profits. For an explanation of the Applicant's Services see the answer to Interrogatory No. 3.

17. State the amount in U.S. Dollars that Applicant has received annually in monetary donations since October 26, 2011, for Services offered under THE SHAMROCK FUND mark in the United States.

Applicant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of relevant or admissible evidence. Applicant's U.S. Application is based on an extension of an International Registration for which Applicant is not and has not been required to submit evidence of use in the U.S. Applicant owns an October 14, 2011 priority date, which provides Applicant with a constructive date of first use for purposes of establishing its trademark rights in the U.S. Subject to the above, and Applicant's General Objections, Applicant responds as follows: \$0.00.

18. State all charities and non-profits that Applicant has contributed its fundraising efforts to and rendered Services offered under THE SHAMROCK FUND mark in the United States.

Applicant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of relevant or admissible evidence. Applicant's U.S. Application is based on an extension

of an International Registration for which Applicant is not and has not been required to submit evidence of use in the U.S. Applicant owns an October 14, 2011 priority date, which provides Applicant with a constructive date of first use for purposes of establishing its trademark rights in the U.S. Subject to the above, and Applicant's General Objections, Applicant responds as follows:

The Applicant does not contribute to charities or non-profits. For an explanation of the Applicant's Services see the answer to Interrogatory No. 3.

19. State whether Applicant advertises its Services under THE SHAMROCK FUND mark in the United States, and if so, the U.S. state in which the mark was advertised and date(s) of advertising.

Applicant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of relevant or admissible evidence. Applicant's U.S. Application is based on an extension of an International Registration for which Applicant is not and has not been required to submit evidence of use in the U.S. Applicant owns an October 14, 2011 priority date, which provides Applicant with a constructive date of first use for purposes of establishing its trademark rights in the U.S. Subject to the above, and Applicant's General Objections, Applicant responds as follows:

Please see the answer to Interrogatory No. 9 above.

20. Identify any use of THE SHAMROCK FUND mark or any marks similar thereto, by any third party.

Applicant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of relevant or admissible evidence.

21. Identify any disputes, including, but not limited to, lawsuits, oppositions, written objections, or threatened litigations, concerning the use, application, or registration of THE SHAMROCK FUND mark.

The only dispute that the Applicant has faced is the current opposition by the Opposer, Maurice Landers.

22. State whether Applicant, or anyone acting on Applicant's behalf, has ever entered into a license, assignment or other agreement regarding THE SHAMROCK FUND mark and, if so, provide the particulars of same.

There is an implied licence between the Applicant and the US Entity to use THE SHAMROCK FUND mark in the US to promote the services of the Applicant.

23. State the location and address, physical and online, of all services offered under THE SHAMROCK FUND mark and the corresponding dates of use for each location.

Applicant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of relevant or admissible evidence. Applicant's U.S. Application is based on an extension of an International Registration for which Applicant is not and has not been required to submit evidence of use in the U.S. Applicant owns an October 14, 2011 priority date, which provides Applicant with a constructive date of first use for purposes of establishing its trademark rights in the U.S. Subject to the above, and Applicant's General Objections, Applicant responds as follows:

Please see the answer to Interrogatory No.9 above.

24. State whether Applicant has ever ceased use and ceased offering Services under THE SHAMROCK FUND mark in any state or territory in the U.S. and the circumstances for any periods of non-use or abandonment.

Applicant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of relevant or admissible evidence. Applicant's U.S. Application is based on an extension of an International Registration for which Applicant is not and has not been required to submit evidence of use in the U.S. Applicant owns an October 14, 2011 priority date, which provides Applicant with a constructive date of first use for purposes of establishing its trademark rights in the U.S. Subject to the above, and Applicant's General Objections, Applicant responds as follows:

No. The SHAMROCK FUND mark has been the mark used to promote the Applicant's appeal since its US trademark application to register the mark was filed.

25. Describe the circumstances under which Applicant can claim to own exclusive nationwide trademark rights to its THE SHAMROCK FUND mark in U.S. interstate commerce.

The Applicant's application for a US trademark for THE SHAMROCK FUND mark was filed on 26th October 2011, with a priority date of 14th October 2011. It is the Applicant's belief that prior to the priority date no other party owned exclusive nationwide trademark rights in the name in US interstate commerce.

26. Describe the circumstances under which Applicant can claim priority over Opposer's SHAMROCK FUND mark.

The Applicant can evidence an application to register the SHAMROCK FUND mark with a priority date of 14th October 2011. The Opposer has not provided evidence that he has sufficient (or any) rights in the mark which would afford him exclusive rights to use

of the mark throughout the US to promote services in the charitable sector prior to this date.

27. Describe how Applicant has used its THE SHAMROCK FUND mark in U.S. interstate commerce prior to October 26, 2011, and since October 26, 2011 to present.

Please see the answer to Interrogatory No. 23.

28. Describe how Applicant denies having "fraudulently filed" its THE SHAMROCK FUND application, which was as a Section 66(a) Madrid extension, under the current state of fraud jurisprudence [sic] at the Trademark Trial and Appeal Board, as alleged in Paragraph 8 in Opposer's Notice of Opposition.

The Applicant signed the declaration certifying that to the best of its knowledge and belief, it was entitled to use the mark in commerce and that no other entity had the right to so use the mark, on 14th October 2011.

29. State whether Applicant has continuously offered Services under THE SHAMROCK FUND Mark in U.S. commerce.

Please see the answer to Interrogatory No. 24.

30. State whether Applicant has ever had a period of non-use of THE SHAMROCK FUND Mark in U.S. commerce.

It has not.

31. State whether Applicant currently offers Services under THE SHAMROCK FUND mark in U.S. commerce.

It does.

32. Identify any periods of Respondent's non-use of the THE SHAMROCK FUND mark from October 26, 2011 to present.

Please see the answer to Interrogatory No. 30.

DATED: January 26, 2016

Respectfully submitted,

/Roberto Ledesma/

Roberto Ledesma
Lewis & Lin, LLC
45 Main Street
Suite 608
Brooklyn, NY 11201
Attorneys for Applicant

Under penalties of perjury, I declare that I have read the foregoing Answers to the Interrogatories and that the facts stated in it are true.

By: 

Daniel Murphy

Director

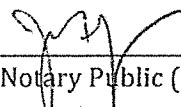
Jack and Jill Foundation Limited

STATE OF IRELAND)

COUNTY OF DUBLIN)

Sworn to and subscribed before me this 26TH day of January, 2016, by Daniel Murphy, Director, Jack and Jill Foundation Limited, who is known to me.


IN FAITH AND TESTIMONY WHEREOF
I have hereunto set my hand and affixed
My Seal of Office at 8-34 Percy Place,
City of Dublin, Ireland


Notary Public (Signature)

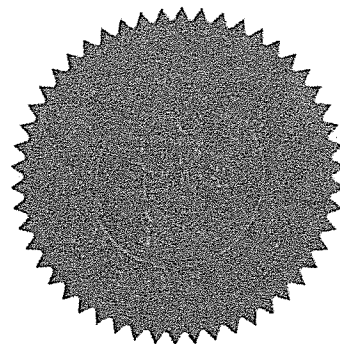
JOHN HOGAN
Name of Notary (Printed)

(Seal)

This.....26th.....day of.....January.....2016.....

My Commission Expires: DOES NOT 

JOHN HOGAN
8-34 PERCY PLACE,
DUBLIN 4.
Notary Public for the City of Dublin
Ireland
Commissioned for Life



CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Opposer this 26th day of January, 2016, by mailing a copy thereof via first-class mail, postage pre-paid, to MAURICE LANDERS, 30-80 33RD ST 3RD FLOOR, ASTORIA, NY 11102.

/Roberto Ledesma/

Roberto Ledesma

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Maurice D. Landers,
Opposer,

v.

Jack and Jill Foundation Limited,
Applicant.

Opposition No. 91218260

Mark: THE SHAMROCK FUND

Application Ser. No. 79107704

**APPLICANT'S RESPONSE TO OPPOSER'S
REQUEST FOR PRODUCTION**

Applicant, Jack and Jill Foundation Limited, by its attorneys, Lewis & Lin, LLC, hereby responds and objects to Opposer's Production Requests ("Requests") as set forth below.

Applicant's discovery efforts are continuing and it reserves the right to amend or supplement these responses and objections as necessary.

GENERAL OBJECTIONS

1. Applicant incorporates by reference herein the "General Objections" in Applicant's Responses to Opposer's First Set of Interrogatories.
2. Applicant's object to the Requests to the extent that they purport to impose requirements that are inconsistent with, or not required by, Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice.
3. Applicant's object to the Requests on the grounds that they are overly broad, unduly burdensome, and not likely to lead to the discovery of admissible evidence.
4. Applicant's object to the Requests to the extent that they call for information subject to the attorney-client privilege, work-product immunity, or any other applicable privilege or restriction.

5. Applicant's responses to any part of the Requests shall not be deemed an admission or acknowledgment that such Requests call for information that is relevant to the subject matter of this action and is without prejudice to Applicant's right to contend at trial, or at any stage of the proceedings, that the requested information is inadmissible, irrelevant, immaterial or otherwise objectionable.

6. Applicant's responses to any part of the Requests indicating that Applicant will produce responsive documents shall not be deemed an admission or acknowledgment that any responsive documents exist or are within the possession, custody or control of Applicant.

7. In the event that Applicant inadvertently produces documents that are privileged or attorney work product, you shall immediately return or destroy any such documents without reading them, and shall destroy any copies of any such documents that are made, and any notes or summaries of such documents that may be made.

8. Each of the foregoing General Objections is incorporated within each of the Responses set forth herein. Subject to and without waiving such General Objections, Applicant responds as follows:

RESPONSE NO. 1:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for "all documents," and vague as to the nature of the documents requested. Notwithstanding these objections and its General Objections, Applicant responds as follows: See documents submitted herein (titled "R1. ML Use").

RESPONSE NO. 2:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for "all documents," and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks production of privileged information. Notwithstanding these objections and its General Objections, Applicant responds as follows: See documents submitted herein (titled "R2. Origination").

RESPONSE NO. 3:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for "all documents," and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks production of privileged information. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein (titled "R3. Priority Date").

RESPONSE NO. 4:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for "all documents," and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks production of privileged information. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein (titled "R4. US Entity").

RESPONSE NO. 5:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for "all documents," and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks irrelevant information on Applicant's use that is not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein (titled "R5. JJ Use").

RESPONSE NO. 6:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for "all documents," and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks irrelevant information on Applicant's mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein.

RESPONSE NO. 7:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for "all documents," and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks irrelevant information on Applicant's mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein.

RESPONSE NO. 8:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for “all documents,” and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks irrelevant information on Applicant’s mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein.

RESPONSE NO. 9:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for “all documents,” and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks irrelevant information on Applicant’s mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

There are no responsive documents.

RESPONSE NO. 10:

Applicant objects to this Request to the extent it seeks irrelevant information on Applicant’s mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

There are no responsive documents.

RESPONSE NO. 11:

Applicant objects to this Request to the extent it seeks irrelevant information on Applicant’s mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein (titled “R11. Accounts”).

RESPONSE NO. 12:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for “all documents,” and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks irrelevant information on Applicant’s mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

There are no responsive documents.

RESPONSE NO. 13:

See documents submitted herein (titled "R5. JJ Use").

RESPONSE NO. 14:

Applicant objects to this Request to the extent it seeks information subject to the attorney-client privilege. Notwithstanding its objection and its General Objections, Applicant responds as follows:

There are no responsive documents.

RESPONSE NO. 15:

There are no responsive documents.

RESPONSE NO. 16:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for "all documents," and vague as to the nature of the documents requested. Notwithstanding these objections and its General Objections, Applicant responds as follows:

There are no responsive documents.

RESPONSE NO. 17:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for "all documents," and vague as to the nature of the documents requested. Notwithstanding these objections and its General Objections, Applicant responds as follows:

There are no responsive documents.

RESPONSE NO. 18:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for "all documents," and vague as to the nature of the documents requested. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein. Applicant reserves the right to supplement documents as needed.

RESPONSE NO. 19:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for "all documents," and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks irrelevant information on Applicant's mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein.

RESPONSE NO. 20:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for “all documents,” and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks irrelevant information on Applicant’s mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein.

RESPONSE NO. 21:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for “all documents,” and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks irrelevant information on Applicant’s mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein.

RESPONSE NO. 22:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for “all documents,” and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks irrelevant information on Applicant’s mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein.

RESPONSE NO. 23:

Applicant objects to this Request on the grounds that it is overbroad and unduly burdensome insofar as it calls for “all documents,” and vague as to the nature of the documents requested. Applicant also objects to this Request to the extent it seeks irrelevant information on Applicant’s mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein.

RESPONSE NO. 24:

Applicant objects to this Request to the extent it seeks irrelevant information on Applicant’s mark that are not at issue in the instant proceeding. Notwithstanding these objections and its General Objections, Applicant responds as follows:

See documents submitted herein.

DATED: January 26, 2016

Respectfully submitted,

 /Roberto Ledesma/

Roberto Ledesma
Lewis & Lin, LLC
45 Main Street
Suite 608
Brooklyn, NY 11201

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Opposer this 26 day of January, 2016, by mailing a copy thereof via first-class mail, postage pre-paid, to MAURICE LANDERS, 30-80 33RD ST 3RD FLOOR, ASTORIA, NY 11102.

 /Roberto Ledesma/
Roberto Ledesma

Exhibit C

Generated on: This page was generated by TSDR on 2016-03-03 17:16:19 EST

Mark: THE SHAMROCK FUND

The Shamrock Fund

US Serial Number: 79107704

Application Filing Date: Oct. 26, 2011

Register: Principal

Mark Type: Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Sep. 10, 2014

Publication Date: May 06, 2014

Mark Information

Mark Literal Elements: THE SHAMROCK FUND

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "FUND"

Related Properties Information

International Registration Number: 1103024

International Registration Date: Oct. 26, 2011

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Charitable fundraising services; philanthropic services relating to the making of monetary grants in the field of health care; charitable monetary services, namely, accepting and administering monetary charitable grant contributions in the field of health care; charitable fundraising services by means of organization of special fundraising activities and events for health care

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: JACK AND JILL FOUNDATION LIMITED

Owner Address: Johnstown Manor
Johnstown, Naas, Conty Kildare
IRELAND

Legal Entity Type: Limited Company

State or Country IRELAND
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Roberto Ledesma

Attorney Primary roberto@ilawco.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent ROBERTO LEDESMA
Name/Address: LEWIS & LIN LLC
45 MAIN STREET SUITE 608
BROOKLYN, NEW YORK 11201
UNITED STATES

Phone: 718-243-9323

Correspondent e-mail: roberto@ilawco.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 03, 2014	REFUSAL PROCESSED BY IB	
Sep. 10, 2014	OPPOSITION INSTITUTED NO. 999999	218260
Sep. 04, 2014	OPPOSITION NOTICE (IB REFUSAL) SENT TO IB	
Sep. 04, 2014	OPPOSITION NOTICE (IB REFUSAL) CREATED	
Jun. 13, 2014	NOTIFICATION PROCESSED BY IB	
May 30, 2014	EXTENSION OF TIME TO OPPOSE RECEIVED	
May 06, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 06, 2014	PUBLISHED FOR OPPOSITION	
Apr. 16, 2014	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Apr. 16, 2014	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Apr. 16, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 02, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Apr. 02, 2014	EXPARTE APPEAL TERMINATED	107704
Apr. 02, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 05, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	73797
Mar. 05, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	73797
Feb. 26, 2014	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Feb. 26, 2014	EX PARTE APPEAL-INSTITUTED	107704
Feb. 26, 2014	JURISDICTION RESTORED TO EXAMINING ATTORNEY	107704
Feb. 26, 2014	EXPARTE APPEAL RECEIVED AT TTAB	
Sep. 05, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
Sep. 05, 2013	FINAL REFUSAL E-MAILED	
Sep. 05, 2013	FINAL REFUSAL WRITTEN	73370
Jul. 19, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 18, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 18, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 06, 2013	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Jun. 19, 2013	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Jun. 19, 2013	NOTIFICATION OF POSSIBLE OPPOSITION CREATED, TO BE SENT TO IB	
Mar. 04, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 04, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 04, 2013	NON-FINAL ACTION WRITTEN	73370

Jan. 31, 2013	LIE CHECKED SUSP - TO ATTY FOR ACTION	73797
Jan. 30, 2013	ASSIGNED TO LIE	73797
Jul. 30, 2012	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 30, 2012	LETTER OF SUSPENSION E-MAILED	6332
Jul. 30, 2012	SUSPENSION LETTER WRITTEN	73370
Jul. 25, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 25, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 25, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 02, 2012	ASSIGNED TO EXAMINER	73370
Apr. 26, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 26, 2012	NON-FINAL ACTION E-MAILED	6325
Apr. 26, 2012	NON-FINAL ACTION WRITTEN	81090
Apr. 23, 2012	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Apr. 05, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 04, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 03, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 03, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 23, 2012	REFUSAL PROCESSED BY IB	
Feb. 21, 2012	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Feb. 21, 2012	REFUSAL PROCESSED BY MPU	68359
Feb. 21, 2012	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Feb. 20, 2012	NON-FINAL ACTION WRITTEN	81090
Feb. 14, 2012	ASSIGNED TO EXAMINER	81090
Jan. 24, 2012	APPLICATION FILING RECEIPT MAILED	
Jan. 20, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 19, 2012	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

<p>International Registration Number: 1103024</p> <p>Priority Claimed Flag: Yes</p> <p>Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED</p> <p>Notification of Designation Date: Jan. 19, 2012</p> <p>International Registration Renewal Date: Oct. 26, 2021</p> <p>First Refusal Flag: Yes</p>	<p>International Registration Date: Oct. 26, 2011</p> <p>Date of Section 67 Priority Claim: Oct. 14, 2011</p> <p>Date of International Registration Status: Jan. 19, 2012</p> <p>Date of Automatic Protection: Jul. 19, 2013</p>
---	--

TM Staff and Location Information

TM Staff Information	
TM Attorney: BENMAMAN, ALICE MEDINA	Law Office Assigned: LAW OFFICE 116
File Location	
Current Location: PUBLICATION AND ISSUE SECTION	Date in Location: Apr. 02, 2014

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding 91218260
Number:

Filing Date: Sep 03, 2014

Status: Pending

Status Date: Sep 03, 2014

Interlocutory ANDREW P BAXLEY
Attorney:

Defendant

Name: Jack and Jill Foundation Limited

Correspondent ROBERTO LEDESMA
Address: LEWIS & LIN LLC
45 MAIN STREET SUITE 608
BROOKLYN NY, 11201
UNITED STATES

Correspondent e-mail: roberto@ilawco.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE SHAMROCK FUND	Opposition Pending	79107704	

Plaintiff(s)

Name: Maurice D. Landers

Correspondent MAURICE LANDERS
Address: 30-80 33RD ST 3RD FLOOR
ASTORIA NY, 11102
UNITED STATES

Correspondent e-mail: mauricelanders@yahoo.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 03, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 10, 2014	Oct 20, 2014
3	PENDING, INSTITUTED	Sep 10, 2014	
4	STIP TO SUSP PEND SETTL NEGOTIATIONS	Oct 15, 2014	
5	SUSPENDED	Oct 15, 2014	
6	STIP FOR EXT	Nov 12, 2014	
7	EXTENSION OF TIME GRANTED	Nov 12, 2014	
8	P MOT FOR EXT W/ CONSENT	Jan 09, 2015	
9	EXTENSION OF TIME GRANTED	Jan 10, 2015	
10	ANSWER	Mar 17, 2015	
11	P REQ TO W/DRAW AS ATTORNEY	Jul 10, 2015	
12	RESPONSE DUE 30 DAYS (DUE DATE)	Jul 27, 2015	Aug 26, 2015
13	CHANGE OF CORRESP ADDRESS	Jul 29, 2015	
14	PLS COMMUNICATION	Aug 24, 2015	
15	TRIAL DATES RESET	Aug 29, 2015	
16	CORRECTION TO BD ORDER	Sep 21, 2015	

Type of Proceeding: Extension of Time

Proceeding 79107704
Number:

Filing Date: May 30, 2014

Status: Terminated

Status Date: Sep 12, 2014

Interlocutory
Attorney:

Defendant

Name: JACK AND JILL FOUNDATION LIMITED

Correspondent ROBERTO LEDESMA
Address: LEWIS & LIN, LLC
45 MAIN STREET, SUITE 608
BROOKLYN NY, 11201

Associated marks

Mark	Application Status	Serial	Registration
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THE SHAMROCK FUND	Opposition Pending	Number	Number
		79107704	
Potential Opposer(s)			

Name: MauriceD.Landers

Correspondent Darren S. Rimer
Address: Rimer & Mathewson LLP
 30021 Tomas, Suite 300
 Rancho Santa Margarita CA , 92688
 UNITED STATES

Correspondent e-mail: trademarks@rimermath.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	May 30, 2014	
2	EXTENSION OF TIME GRANTED	May 30, 2014	

Type of Proceeding: Exparte Appeal

Proceeding Number: 79107704 Status: Terminated Interlocutory Attorney:	Filing Date: Feb 26, 2014 Status Date: Apr 02, 2014
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Plaintiff(s)

Name: JACK AND JILL FOUNDATION LIMITED

Correspondent Roberto Ledesma
Address: Lewis & Lin, LLC
 45 Main Street, Suite 608
 Brooklyn NY , 11201
 UNITED STATES

Correspondent e-mail: roberto@ilawco.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE SHAMROCK FUND	Opposition Pending	79107704	
Prosecution History			
Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Feb 26, 2014	
2	Appeal Acknowledged; Case Remanded	Feb 26, 2014	
3	INSTITUTED	Feb 26, 2014	
4	REQ FOR RECON	Feb 26, 2014	
5	TERMINATED	Apr 02, 2014	

Exhibit D

Generated on: This page was generated by TSDR on 2016-03-03 17:21:44 EST

Mark: SHAMROCK FUND

SHAMROCK FUND

US Serial Number: 86395547

Application Filing Date: Sep. 15, 2014

Filed as TEAS Yes
Plus:

Currently TEAS Yes
Plus:

Register: Principal

Mark Type: Service Mark

Status: Suspension check completed. Application remains suspended.

Status Date: Nov. 27, 2015

Mark Information

Mark Literal Elements: SHAMROCK FUND

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "FUND"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Charitable services, namely, coordination of non-monetary contributions to charities and non-profits

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 22, 2011

Use in Commerce: Aug. 22, 2011

For: Charitable fundraising services, by means of providing individuals with the information and opportunity to make monetary donations to their favorite charity

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 22, 2011

Use in Commerce: Aug. 22, 2011

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Maurice D. Landers

Owner Address: 1 Greene St., Ste 501
Jersey City, NEW JERSEY UNITED STATES 07302

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Darren S. Rimer

Docket Number: LANDM-003T

Attorney Primary trademarks@rimermath.com

Attorney Email Yes

Email Address:

Authorized:

Correspondent

Correspondent DARREN S. RIMER

Name/Address: RIMER & MATHEWSON LLP

30021 TOMAS STE 300

RANCHO SANTA MARGARITA, CALIFORNIA UNITED STATES 92688-2128

Phone: 9493671541

Fax: 9492659010

Correspondent e-mail: trademarks@rimermath.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 27, 2015	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
May 26, 2015	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
May 26, 2015	LETTER OF SUSPENSION E-MAILED	6332
May 26, 2015	SUSPENSION LETTER WRITTEN	78324
May 25, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 24, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 24, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 01, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 01, 2015	NON-FINAL ACTION E-MAILED	6325
Jan. 01, 2015	NON-FINAL ACTION WRITTEN	78324
Dec. 28, 2014	ASSIGNED TO EXAMINER	78324
Sep. 22, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 18, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: MURRAY, DAVID T

Law Office LAW OFFICE 113
Assigned:

File Location

Current Location: TMO LAW OFFICE 113 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: May 26, 2015

Exhibit E

LEWIS & LIN LLC

45 Main Street, Suite 608 Brooklyn, NY 11201-8200

>>>Tel: (718) 243-9323

>>>Fax: (718) 243-9326

www.ilawco.com

October 29, 2015

VIA U.S. Mail and Email

Maurice D. Landers

30-80 33RD ST 3RD FLOOR ASTORIA, NY 11102

Email: mauricelanders@yahoo.com

Re: Landers v. Jack and Jill Foundation Limited, Opp. No. 91218260

Dear Mr. Landers,

We have reviewed your discovery responses and documents production and found several deficiencies. Pursuant to Trademark Rule 2.120, we request that you make a good-faith effort to immediately supplement your discovery responses and document production as set forth below.

Specific Deficient Interrogatories:

Interrogatory No. 1:

This interrogatory requires you to identify whether you are the sole owner of your alleged SHAMROCK FUND trademark, irrespective of Jack and Jill Foundation Limited's claims to its THE SHAMROCK FUND mark. The answer is vague and non-responsive. Please supplement your response accordingly.

Yes, I am the sole owner, Maurice D. Landers.

Interrogatory No. 2:

Here you have identified "Failte 32" as either a predecessor, parent, subsidiary, affiliated/related entity, organization or trade name/DBA of Opposer. The answer is vague and does not specify the nature of the relationship. Please supplement your response to this interrogatory.

The Shamrock Fund was originated under the Failte 32 umbrella as a new service/brand to support visa holders that were already being supported by Failte 32. It was then spun off from Failte 32 with the intention of solely supporting the most needy in society under its expanded role.

Interrogatory No. 9:

Your response states that you have offered services under the SHAMROCK FUND by "Internet and word of mouth." Please supplement your response to this interrogatory indicating "all" Internet websites in which the services have been rendered and the dates of such use.

Internet via the Failte32.org website:

<http://www.failte32.org/about-failte-32/useful-articles/shamrock-fund-principles/> (A)

<http://www.failte32.org/about-failte-32/useful-articles/failte-32-newsletter-j1ers-g%E2%80%8B%E2%80%8Bet-your-tax-refund-new-failte-32-shamrock-fund-j1ers-great-ambassador%E2%80%8Bs-for-ireland-in-usa-and-more/> (B)

<http://www.failte32.org/about-failte-32/useful-articles/shamrock-fund-launched-applicatio%E2%80%8Bns-now-being-accepted-from-those-in-new-york-on-j-1-iwt-program/> (C)

<http://www.failte32.org/about-failte-32/useful-articles/failte32-o%E2%80%8Brg-newsletter-shamrock-fund-update-requests-from-new-arrivals-for-assistance%E2%80%8B-senior-support-dv-lottery-2013-and-more/> (D)

<http://www.failte32.org/about-failte-32/useful-articles/failte32-org-the-final-curtain-for-failte-32-the-shamrock-fund-expands-its-mission-and-will-use-the-halocard-project-to-reach-donors-article-from-15-year-old-irish-and-its-importance/> (E)

Interrogatory No. 14:

This interrogatory requires Opposer to state annual expenditures for services rendered under the SHAMROCK FUND mark in the U.S. The answer to this interrogatory is deficient because it does not identify expenditures and costs associated with Opposer's alleged use of the SHAMROCK FUND mark. Opposer must supplement its interrogatory response to include all the requested information.

I did not track expenditures as they were out of pocket and I can incur expenses out of pocket if I so wish. I did not claim deductions on any tax return or gain any personal benefit from my expenditures, therefore there was no obligation on me to enumerate expenditures. That's my prerogative. I can spend my money any way I want. Additionally, there were very few inquiries, that it didn't justify or require a formal accounting system unless inquiries picked up. I have no further information to add. Now that the Shamrock Fund is incorporated, with the intention of solely supporting the most needy in society under its expanded role, it will put in place a system to track expenditures once this trade mark

opposition is complete. I will then be able to continue developing my engagement with the HaloCard Platform in order to begin to raise funds and make donations.

Interrogatory Nos. 15 - 17:

Similar to Opposer's deficient response to Interrogatory No. 14, Opposer's responses to Interrogatory Nos. 15-17 are non-responsive. Applicant is seeking annual donations, contributions and revenues confirming funds were received and/or distributed by Opposer in connection with the alleged services being rendered under the SHAMROCK FUND mark. Opposer's response to Interrogatory No. 18 states, in part, "Shamrock Fund donated to visa card holders upon request." Applicant is requesting an accounting of those donations and any contributions, revenues, etc. Opposer must supplement its interrogatory responses to include all the requested information.

Interrogatories 15,16 & 17 are clearly stated as being not applicable. Donations to individuals were made out of pocket.

Interrogatory No. 18:

This interrogatory requires Opposer to state all charities and non-profits the SHAMROCK FUND has donated to. Opposer response indicates that it has donated to "visa card holders" but "not yet to charities and non-profits." Applicant requests that Opposer supplement its response to identify all "visa card holders," meaning the specific individuals, in the U.S. to which Opposer donated under the SHAMROCK FUND mark.

Kevin O'Keefe

Donal O'Conghaile

Chris Kwong

Seamus McDaid

There may have been others whose membership dues and/or event fee I paid while I attended events, but I can't recall who, nor do I have any proof if I paid cash. I attended a lot of events including events that I recommended to visa holders.

Also, as per this Interrogatory No. 18, there may have been many more who indirectly benefited financially from the Shamrock Fund in that our affiliated organizations allowed them free access to member events so that they could network for jobs.

Specific Deficient Document Requests:

Request Nos. 3, 5, 6, 7 and 10:

Opposer's responses to Document Request Nos. 3, 5, 6, 7 and 10 are deficient because they refer Applicant to "attached documents" that have not been bated, stamped, labeled and/or identified other than by headings. Federal Rule of Evidence 33(d)(1) requires records be produced "in sufficient detail to enable the interrogating party to locate and identify them as readily as the responding party could." Opposer must supplement its document production accordingly to allow Applicant's counsel to readily identify the referenced materials.

Document Request No. 5 doesn't refer to any "attached documents".

All other Document Request Nos. 3, 6, 7 and 10 are properly labeled in that the headings I wrote using a pen on each "attached documents" exactly matches that stated under each Document Request. That is how I locate and identify them. And all have corresponding dates. However, re. Document Request No. 10, as per your request below, I have printed out the links as I agree that I didn't include a printed version of these links when I first sent you my discovery.

For example, in response to Document Request No. 10, Opposer refers to links from the Failte 32 website but provides no corresponding reference to where Applicant can locate printouts for the referenced links.

I have included the printed out version of these links.

Moreover, Applicant is requesting the documents in order to verify Opposer's alleged priority of use over Applicant's October 14, 2011 priority date. Applicant specifically requested under Document Request No. 10 that Opposer provide annual "representative samples" of promotional and marketing materials to verify Opposer's allegations of prior use in U.S. commerce and continuous use thereafter. Opposer refers to "Exhibits" in "attached 'Letter to Dixon 012815-1- 1' – however, there was no document produced under this heading. Opposer also refers to "Shamrock Fund services still being offered" – however, the attachments therein are from 2013 and not a representative sample of continuous use and/or priority. Opposer must supplement its responses to these requests.

You say immediately above that: "Applicant specifically requested under Document Request No. 10 that Opposer provide annual "representative samples" of promotional and marketing materials to verify Opposer's allegations of prior use in U.S. commerce and continuous use thereafter."

Document Request No. 10 actually states: "Representative samples of marketing and promotional materials since the year 2010, including, without limitation, brochures, advertisements, pamphlets, manuals and any other promotional materials, upon which the SHAMROCK FUND Mark appears"

i.e. I see no reference in this Document Request No. 10 to "prior use".

I provided exactly what was requested of me. However, Document Request No. 3 does make this request. I have provided the appropriate Document Requests pertaining to "prior use" under Document Request No. 3 in the discovery I first sent you.

Additionally, it should be noted that the Applicant's priority date is October 26, 2011, not October 14, 2011.

You say above that: "Opposer refers to "Exhibits" in "attached 'Letter to Dixon 012815-1- 1' – however, there was no document produced under this heading."

I actually refer specifically to the exact Exhibits i.e Exhibits 1, 2, 3, 4, 11, 13, 14, 15, 16, 17, 18, 19, 20. But again, these Exhibits refer to the specific Document Request No. 10 which does not mention "prior use". Therefore, I refer you again to Document Request No. 3 for documents pertaining to "prior use". I will also add to Document Request No. 3 Exhibit 1, 2, 3 and 9 under "See attached 'Letter to Dixon 012815-1-1' and 'Letter to Dixon 012815-2-3'. See Exhibits 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 in attached 'Letter to Dixon 012815-1-1'"

As for your part statement: "there was no document produced under this heading.", yes there was a document produced under this heading, therefore it was lost on your end. I had also sent you an email version. *→ HOWEVER, I HAVE PRINTED out another copy as a COURTESY.*

Finally, your statement above that: "Opposer also refers to "Shamrock Fund services still being offered" – however, the attachments therein are from 2013 and not a representative sample of continuous use and/or priority. Opposer must supplement its responses to these requests."

I have included further examples of continuous use from before 2013 under heading "Shamrock Fund services still being offered". *— prior to 2013*

See also attached 'Letter to Dixon 012815-1-1' and 'Letter to Dixon 012815-2-3' Exhibits 16, 17 and 19.

Request Nos. 11-12:

Opposer's response is non-responsive. Applicant is seeking verification of any operating expenses and an accounting of any donations that were made. Opposer must supplement its responses accordingly.

See Interrogatory No. 14 above.

Request No. 19:

Opposer refers to attachments 'Letter to Dixon 012815-1-1' and 'Letter to Dixon 012815-2-3' – however, these attachments were not included in the documents produced. Applicant requests Opposer produce the documents for review.

Yes, they were included in the discovery I sent you. The only reason you can't find them is because they were lost on your end. I had also sent you an email version. Coming back to me now after nearly 2 months to tell me that you don't have them strains credulity. I

would have no reason whatsoever not to include these attachments, and I had already emailed you a copy. I spent a lot of time and expense putting these documents together, and I'm not duplicating my efforts due to an error on your end. I find it very unusual that you would make this claim that I didn't include these attachments, which form a significant portion of my case. If you recall, while you were awaiting my full discovery, I had sent you a separate letter including some additional discovery. You emailed me to inform me that you hadn't yet received my complete discovery (which turned out to be due to you giving me the wrong address in one of your emails), but confirmed receipt of the additional discovery. Therefore, you confirmed the contents of this additional discovery almost immediately after receiving it. You also confirmed receipt of my full discovery when you finally received it due to a lot of effort on my end trying to track the package and re-mailing it. Why wouldn't you have likewise confirmed the lack of these documents immediately after receipt? Therefore, you can print out these attachments from the email version I sent you. All you have to do is use the print function on your computer. → HOWEVER, I HAVE

Requests Nos. 21-24:

PRINTED OUT ANOTHER COPY AS A
COURTESY.

These requests call for "all documents and things." Opposer's responses are vague and insufficient. Opposer cannot sidestep its discovery obligations by referring generally to an email correspondence in which an individual purports to make a donation. Applicant is requesting all documents Opposer intends to rely to support its allegations. It strains credulity that Opposer has no business records or accounting for monetary donations and fundraising efforts. Accordingly, Opposer must supplement its production by providing copies of, or printouts from, all such referenced sources containing the requested information.

See Interrogatory No. 14 above.

The only check I can locate is that shown in Exhibit 16 'Letter to Dixon 012815-2-3'.

Whenever I had a request for help from an Irish visa holder, I would most times meet them for coffee or lunch. These were also expenditures out of my own pocket but there's no way I can trawl through my credit card statements to see which receipts apply in these cases.

Conclusion

We look forward to receiving your immediate response, along with the requested documents and information.

If you would like to discuss, or if we need to meet and confer on any of these issues, please let me know immediately.

Sincerely,
/Roberto Ledesma/
Roberto Ledesma

LEWIS & LIN LLC

45 Main Street, Suite 608 Brooklyn, NY 11201-8200

>>>Tel: (718) 243-9323

>>>Fax: (718) 243-9326

www.ilawco.com

December 8, 2015

VIA U.S. Mail and Email

Maurice D. Landers

30-80 33RD ST 3RD FLOOR ASTORIA, NY 11102

Email: mauricelanders@yahoo.com

Re: Landers v. Jack and Jill Foundation Limited, Opp. No. 91218260

Dear Mr. Landers,

We have received and reviewed your supplemental discovery responses and documents production in response to our October 29, 2015 deficiency letter. However, there are several deficiencies that remain that must be addressed pursuant to Trademark Rule 2.120. We therefore request that you make a good-faith effort to immediately supplement your discovery responses and document production as set forth below.

Specific Deficient Interrogatories:

Interrogatory No. 14:

This interrogatory requires Opposer to state annual expenditures for services rendered under the SHAMROCK FUND mark in the U.S. Your answers to this interrogatory remain deficient because they do not identify any expenditures or costs associated with your alleged use of SHAMROCK FUND as a trademark. If you received funds in connection with your SHAMROCK FUND services you have an obligation to account for those funds in your tax returns. Your responses to other discovery requests, such as Interrogatory No. 18, and your application for registration of SHAMROCK FUND suggest and allege that you rendered charitable services under a SHAMROCK FUND trademark. Any such rendering would require a use in commerce. Opposer must supplement its interrogatory response to include all the requested information or account for any lack of actual use in commerce.

Apart from some miscellaneous labor and social/coffee/lunch costs which were voluntarily paid by me out of pocket, the only identifiable costs (which were also voluntarily paid by me out of pocket) pertaining to this Interrogatory would have been the donations I made out of pocket which come to approx. \$155 or pending the replies I

will hopefully receive from IN-NYC and IBO (Interrogatory No. 18 Deficiency below), these costs could be slightly more i.e. between \$200-\$300.

The Shamrock Fund, during its role supporting visa card holders, was a service/brand within the Failte 32 initiative, and was nonprofit, part of a civil society/organization.

Interrogatory Nos. 15 - 17:

Similar to Opposer's deficient responses to Interrogatory No. 14, Opposer's responses to Interrogatory Nos. 15-17 remain non-responsive. Applicant is seeking annual donations, contributions and revenues confirming funds were received and/or distributed by Opposer in connection with the alleged services being rendered under the SHAMROCK FUND mark. Opposer's supplemental response states that donations were made "out of pocket," which suggests that you never received any funds from a third party in connection with services under your SHAMROCK FUND trademark. As such, and further to our requests under Interrogatory Nos. 15-17, state whether you received any funds (not including your own out of pocket costs) for alleged services rendered under your SHAMROCK FUND mark.

Apart from a one-off unsolicited donations offered by Tara McCabe for \$50 per Document Request No. 21, document 'Shamrock Fund donation' (which you have already received), all donations were made out of my pocket. There was also an offer of a donation by Stanley Goldstein but this was not taken up by anyone. See document 'Shamrock Fund - Failte 32 donation' (which you have already received). However, I have sent an email to the Founder of Origin Theatre to check if I still made payment for these tickets. See attached 'Origin Theatre'. I will send reply when I receive one from his book keeper.

Regarding any prior Interrogatory or Document request where I claim that donations were made out of pocket, please also include the one-off unsolicited donation by Tara McCabe above.

Interrogatory No. 18:

This interrogatory requires Opposer to state all charities and non-profits the SHAMROCK FUND has donated to. Your supplemental response identifies four individuals. Further to your responses to this interrogatory, we request that you supplement your response as follows:

(1) Please provide the address for the four individuals listed in your response. This information is needed to confirm whether the individuals received services rendered in U.S. commerce.

I don't have physical addresses but they can be reached by email address below:

Kevin O'Keefe - kevin.okeeffe@umail.ucc.ie

Donal O'Conghaile – oconghd@gmail.com

Chris Kwong - chris.kwong8@gmail.com

Seamus McDaid – fbspecial@yahoo.co.uk

(2) Please supplement your response to account for other all individuals who received funds in connection with the SHAMROCK FUND mark. If there are no other individuals, then state so.

There may have been others whose event fees I paid while I attended events, but I can't recall who, nor do I have any proof if I paid cash. I attended a lot of events including events that I recommended to visa holders. Also, as per this Interrogatory No. 18, there may have been many more who indirectly benefited financially from the Shamrock Fund in that our affiliated organizations may have allowed them free access to member events so that they could network for jobs. Therefore, I can't state that there were no other individuals as there may have been some who benefited from the Shamrock Fund without my having to pay out of pocket for them, and this is a valid claim.

(3) State whether donations to the four listed individuals derived solely from your out of pocket costs.

Seamus McDaid - paid out of pocket by me per Exhibit 16 in document 'Letter to Dixon 012815-2-3' (which you have already received).

Donal O'Conghaile - I believe Tara McCabe paid for his IN-NYC annual membership. See attached 'Tara McCabe'. I paid Donal's membership to the IIBN out of pocket. See attached 'Fionuala Pender' and document 'IIBN Receipt' and 'Shamrock Fund Receipt' (which you have already received).

Chris Kwong was offered payment to an event although I believe he had problems getting into the event. See attached 'Chris Kwong' and 'Chris Kwong 2'. Therefore, now that I further review my emails, although I offered to pay for Chris Kwong's ticket out of pocket, I have sent an email to the former President of IN-NYC to see if I can confirm that they received payment from me. See attached 'Chris Kwong 3' and 'Chris Kwong 4'. I will send reply if I receive one from the IN-NYC Chairperson.

I also offered to pay for Kevin O'Keefe's ticket to the IBO event out of pocket. See document 'Shamrock Fund – Failte 32 donation' (which you have already received). I have sent an email to the former President of IBO to see if I can confirm that they received payment from me. See attached 'Kevin O'Keefe'. I will send reply if I receive one.

Supplemental Interrogatory Request No. 1:

In addition to the request above, we request that you supplement your responses to state the date (by month, day and year) on which your first used your SHAMROCK FUND mark in commerce as a trademark.

September 1, 2011

Specific Deficient Document Requests:

Request No. 6:

This request requires all documents and things relating to Opposer's alleged first use of a SHAMROCK FUND mark as a trademark in commerce. Please identify which of the produced documents demonstrates your first use of your SHAMROCK FUND trademark.

Generally, any document provided relating to the Shamrock Fund that has a date before 10/26/11, the date when Mr. Irwin allegedly fraudulently filed his application for the Shamrock Fund mark.

Specifically, the documents already listed under Document Request No. 6 (which includes documents under Document Request No.3).

I would also like to add to the Exhibits listed under Document Request No. 3, exhibits 1,2,3,9,16,17,18,19,20 in documents 'Letter to Dixon 012815-1-1' and 'Letter to Dixon 012815-2-3' (which you have already received).

I would also like to add to the points listed under Document Request No. 3, point 10 in document 'Opposition – part 1' (which you have already received).

Also, attached document 'Irish Examiner'.

Request Nos. 11-12, 21-24:

Opposer must supplement its responses to the extent that there are any documents, including credit card statements, that have not been produced.

I'm awaiting some statement requests from Citibank and Country Bank from 2011 to 2013 to see if there are any other checks I wrote on behalf visa card holders relating to the Shamrock Fund. If I retrieve any, I will forward copies of checks to you.

Conclusion

We request that you provide us with your responses by **December 15, 2015**. If you would like to discuss, or if we need to meet and confer on any of these issues, please let me know immediately.

Sincerely, /Roberto Ledesma/ Roberto Ledesma

Exhibit F

----- Forwarded message -----

From: **Failte32 Failte32** <failte32@gmail.com>

Date: Thu, Sep 1, 2011 at 8:28 PM

Subject: Shamrock Fund Launched - Applications Now Being Accepted From Those In New York On J-1 IWT Program

To: marybeggan@aol.com, eamonn2064@gmail.com, joemcmanus@boardwalkpropertygroup.com, mngnyc@aol.com, pdohurley@aol.com, IrishLawyersNY@aol.com, gdoyle5@nyc.rr.com, pauline@irishartscenter.org, siobhand@eiic.org, april@irishvoice.com, gerry.murphy@enterprise-ireland.com, orla@aislingcenter.org, info@ciic-usa.org, vargo@us-irelandalliance.org, maeodriscoll@aol.com, aine@irishradio.net, lally.lally@verizon.net, jdc1916@aol.com, patriciaoreilly@outofirelandtv.com, Lorraine.Christian@dfa.ie, greg@paddedwagon.com, tammy@letitshineinc.com, slynott@century-business.com, jfavila@optonline.net, bmcnamara@irelandhsp.com, hbeirne@hotmail.com, chairman@nyc-st-patrick-day-parade.org, frankmcgreal@yahoo.com, alan.farrelly@dfa.ie, Niall.Burgess@dfa.ie, kroppyboy@aol.com, dandennehy@hotmail.com, rohanlon@irishecho.com, ebrendand1234@aol.com, michelleflahive@gmail.com, paul@newyorkirishcenter.org, irishlanguage@gmail.com, friedaklotz@googlemail.com, lturner@nibureau.com, mcmahonnaomi@hotmail.com, pat.oconnell@conallgroup.com, tim.roche@enterprise-ireland.com, ainecos2008@gmail.com, niallOLEary@ireland.com, paddy@irishexaminerusa.com, NRolf@council.nyc.gov, toddspr@yahoo.com, Laurence.McCarthy@shu.edu, AMULLEN@corcoran.com, ryagarry@gmail.com, beglin97@verizon.net, newyorkminorboardgaa@yahoo.com, cusickm@assembly.state.ny.us, irelandcalls@yahoo.com, grobes@assembly.state.ny.us, jimemsa@nyc.rr.com, paul@publicachievement.com, ecmag7@aol.com, tombeirne4@hotmail.com, fitzpatrick.brian@rocketmail.com, lizken01@msn.com, gallagherbarrett@aol.com, boyntonburkes@yahoo.com, bgandersson@records.nyc.gov, attorneymikemccabe@yahoo.com, colman@fonepool.com, Alice.OSullivan@rte.ie, Brendan.OCaollai@dfa.ie, bburke@countrybnk.com, ametcalfe@tourismireland.com, omalleylaw@aol.com, garret@hkhotels.com, michaeljsmoran@gmail.com, seancorbett1990@hotmail.com, k.flynncent@gmail.com, ldnessa@hotmail.com, joe.tallon@gmail.com, sheila180689@hotmail.com, paulinemarieduggan@live.com, sharonon22@yahoo.ie, tobrien718@gmail.com, s.wynne2@nuigalway.ie, diarmuid.fullerton@studentncirl.ie, k.mcmanus4@nuigalway.ie, ciaranmceallaigh@hotmail.com, gavohanlon@gmail.com, johnpaul.costello@gmail.com, paddykjr@gmail.com, katrinadickson@hotmail.com, mhaincoulter@yahoo.co.uk, johnmcdonnell21079118@gmail.com, ciaranmurphy18@hotmail.com, clairefergus93@hotmail.com, juliekavanagh6@hotmail.com, eileenomahoney@yahoo.com, cdeignan@hotmail.com, emerboland@gmail.com, nathanbuckley01@jitnet.ie, sarahmoran19@gmail.com, fi.c@hotmail.com, niallmoo2@hotmail.com, niall.omaonaigh2@mail.dcu.ie, amcostel@tcd.ie, darrenop@gmail.com, msjennifercondon@hotmail.com, poulboycurtin@hotmail.com, suzigubbins12@hotmail.com, kieranmg@live.com, killianmcnally1@hotmail.com, chrisblockley360@hotmail.com,

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dh364@law.georgetown.edu

Hi everyone

We have now launched the **Shamrock Fund** SM to support longer-term J-1 visa holders who may be finding it difficult finding employment in the U.S., which is totally understandable in the current economic environment. The Fund will subsidize (or fully pay) the membership of IWT J-1 visa holders to influential Irish American business and cultural organizations in the U.S. Generally speaking, criteria for eligibility will depend on how long one has been seeking employment in the U.S., and a commitment from them to make full use of their membership by attending all of the organization's events, and proactively networking and volunteering for committees.

We thank those of you who have contributed to establishing this Fund which will have ZERO administrative costs i.e. the Fund will have no paid employees, hence all of your hard earned donations will be fully allocated to supporting those in need. However, at least initially, donations will not be solicited from the general population (inc. those of you on this mailing list) as we believe everyone has enough on their plates as it is, rather donations will be accepted on a discretionary basis from potential funders that we have relationships with. Overtime, we plan to expand the purpose of the Fund to include supporting other worthy causes, while always keeping administrative costs at zero.

We have to make sure that we support our next generation of business leaders by ensuring that our graduates gain valuable experience here in the U.S. which they can then bring back to Ireland to help put it back on track again as one of the most successful economies in Europe. We would like to sincerely thank the following business organizations in New York for supporting Failte 32 and the Shamrock Fund by offering us a special membership rate:

Irish Business Organization - www.IBO-NY.com

Irish International Business Network - www.IIBN.com,

Irish Network-NYC - www.IrishNetwork-NYC.com,

Irish Technology Leadership Group - www.ITLG.org,

By reducing the membership rate we pay, the above organizations, aside from the great networking for employment opportunities they provide, can help us serve more eligible candidates, and possibly pay their annual dues to more than one business or cultural organization.

Applications are currently being accepted from IWT J-1 visa holders in the New York area with Science, Engineering, Arts/History and Law qualifications. We are now asking all of you, particularly J-1 sponsors and support organizations, to spread the word. Please have them submit their request via the contact section on www.failte32.org, and indicate how long they have been seeking employment in the U.S., their field of study, and how they plan to utilize their membership. We will match suitable candidates with well established organizations in New York, such as those above, that can put them in front of potential employers.

We will begin reviewing applications this month, and will start placing eligible candidates in appropriate organizations towards the end of September.

As the Taoiseach (Irish Prime Minister), Mr. Enda Kenny, T.D., was recently quoted as saying in a speech he made at a Galway Chamber business luncheon back in Ireland "**We all need to pull together, we have a lot to offer and a lot going for ourselves**".

Kind regards

Failte 32 Committee